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THE

PARLIAMENTARY

REGISTER;

OR,

AN IMPARTIAL

REPORT OF THE DEBATES

THAT HAVE OCCURRED

IN THE TWO HOUSES

OF

PARLIAMENT,

IN THE COURSE OF

The First Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland.

VOL. II.

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THE

PARLIAMENTARY REGISTER,

DURING THE FIRST SESSION OF THE FIFTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

HOUSE OF LORDS.

MONDAY, MARCH 15.

STARCH BILL.

THE Earl of Liverpool moved the second reading of the starch bill.

The Earl of Ormond moved, that the petition presented by him a few days since, against the bill, from the starch manufacturers of the county of the city of Kilkenny be read; which being done, his Lordship moved that the petitioners be heard by their counsel against the bill.

The Earl of Liverpool objected to the motion, and contended that the bill had been much misunderstood. It was originally the object of government to prohibit the manufacture of starch throughout the United Kingdom; but it being proved that it was necessary to the linen manufacture, the prohibition was not extended to Ireland, but with the understanding that no export of starch should take place from Ireland to Great Britain. It being objected, however, that to prohibit the export from Ireland to Great Britain, was contrary to the act of union, and not wishing to stir this question, it became necessary, in justice to the starch manufacturers of Great Britain, to repeal the prohibition that attached to them. He, therefore, contended that the starch manufacturers of Ireland had nothing to complain of.

The Marquis of Lansdowne urged the injustice to which the starch manufacturers in Ireland had been subjected, by the vacillating and uncertain policy of government. First, in August last, the prohibition was enforced in Great Britain,

and not in Ireland, leaving the manufacturer in Ireland to export hither; next, this act was renewed during the present session; then the policy was adopted of prohibiting the export from Ireland to this country; then it was found that this was contrary to the act of union; and lastly, the prohibition was altogether repealed. The Irish manufacturer had, in the mean time, speculated on the faith of government, and was it not gross injustice that he should be disregarded? Either the present bill ought to be suspended for two months, or some compensation should be given to the Irish manufacturers who had sent their starch here, for the heavy loss they would sustain.

The Earl of Clancarty said, that the Irish manufacturers had notice that the prohibition here, and the allowing the manufacture in Ireland, was to be accompanied by a prohibition of the export from Ireland to this country; and therefore they were themselves to blame, if they had speculated to their own loss.

Lord Holland asked, how the Irish manufacturers could possibly foresee that they would be speculating to their own loss, when they had the authority of government and Parliament for their speculations, and when ministers themselves did not foresee that the present measure would become necessary?

After some further conversation, the motion for hearing counsel was negatived, and the bill was read a second time, and committed for Thursday.

Adjourned.

HOUSE OF COMMONS.

MONDAY, MARCH 15.

HER ROYAL HIGHNESS THE PRINCESS OF WALES.

Mr. Whitbread rose and said, he wished to put one or two questions to the noble Lord, upon a subject which he had hoped the discussions in that House the week before last had put to rest for ever. He alluded to that tumult of indignation and disgust which had been excited in the public mind by the publication of certain documents in two papers, which were generally supposed to be under the direction and controul of government. Certain rumours also that were afloat, and certain communications which

were known to have been made to himself and the noble Lord opposite, induced him, as well as others, to believe that matters could not remain as they were; that they had, in fact, come to a crisis, and something more must be done. The questions he wished to ask of the noble Lord were, whether his royal highness had, by advice, ordered a prosecution to be commenced against Lady Douglas for perjury? And next (if the noble Lord could answer that question), whether, between the interval of the 12th February last and the 5th March, Lady Douglas had been examined as a credible witness before the solicitor of the treasury or a magistrate, in the presence of Sir John Douglas? Also, whether any examination or inquiry was now going on? When he had received from the noble Lord, or from any other honourable member, an answer to those questions, he should then submit to the House a notice of the proceedings he meant to adopt.

Lord Castlereagh said, he was sure the House would feel he was departing from his duty if he were to give any answer to the questions that had been put to him, till he knew the nature of the proceedings to which his reply was to give rise. He should, therefore, decline giving any answer.

Mr. Whitbread said, he had not the least objection to inform the noble Lord of the course it was his intention to pursue. It was his opinion that the Princess of Wales should be brought to trial, or Lady Douglas prosecuted for perjury. What had passed in that House was perfectly well known to the world, notwithstanding all the care that had been taken to prevent its publicity. The noble Lord knew also, and the world knew, that Sir John Douglas had waited upon him, and his answer had appeared, he knew not how, in the public papers. Sir John Douglas told him that he had informed the noble Lord that he (Sir John) thought his case a very hard one, for he and Lady Douglas had been examined as credible witnesses shortly before they had been pronounced by the noble Lord as perjured and degraded. He told him (Mr. Whitbread) also, that he meant to appeal to that House, and he informed Sir John, as it was his duty to do, that no member would refuse to present his petition. Under all those circumstances he would ask, whether, in the opinion of the whole world, her royal highness was not innocent? The noble Lord himself had declared such to be his opinion, and he (Mr. Whitbread) was the more con-

firmed in his belief of that opinion, because he was certain, that if guilt could be proved against her royal highness, it would be so, not through the newspapers, but by a message from Parliament. In the peculiar situation of the Prince Regent, as a husband and as a father, it would be the more incumbent on his ministers to make such a communication to Parliament. That had not been done, however; and therefore, if he should find that no advice had been given to his royal highness, he should move that an humble address be presented to the Prince Regent, praying that he would direct his law officers to prosecute Lady Douglas, for such parts of her testimony as might appear deserving of such prosecution.

Lord Castlereagh observed, that the honourable member had very candidly stated the object of his motion; and now that he knew it, that knowledge was only an additional motive with him not to answer the questions that had been put to him.

Mr. Whitbread replied, that the noble Lord had no doubt satisfied himself as to the manner in which he had exercised his duty both to the crown and the public; and he would, therefore, call upon any other member of that House who might be able to answer the questions he had proposed. With regard to the question respecting the examination of Lady Douglas, as a credible witness, between the 12th of February and 5th of March, he had put it hypothetically to the noble Lord; because, when Sir John Douglas informed him, that he had stated that fact to the noble Lord, he was told by the noble Lord, that such examination, if it had taken place, was quite unknown to him. The noble Lord might still think it his duty to give no answer; but he (Mr. Whitbread) should think it his duty to execute his determination on Wednesday next, being certain that the public mind could not bear to be any longer contaminated by the matters that were daily publishing, but that it would demand that justice should be done to the Princess, if guilty, or upon her perjured accuser, if innocent.

Lord Castlereagh replied, that the taunting manner of the honourable member should not induce him to swerve from his resolution of giving no answer to the questions. He conceived himself to be warranted in refusing such answer by the constitutional practice of Parliament. If, however, the public mind had been agitated, he thought the hon. member had much to answer for, whatever consequences

might ensue, as he was the first that had read a garbled document in that House, which had afterwards gone forth to the world, when he should certainly either have read nothing at all, or have read the whole.

Mr. Whitbread denied that he had garbled any paper. He had read a minute of cabinet, to which the noble Lord's name was affixed, and he had read it from beginning to end. Was that reading it in a garbled way? The document of 1807 was the only one he had read, but he garbled nothing, he had extracted nothing—he read all. But did the noble Lord see no difference between reading such documents, and publishing such evidence as had been published? And how was that evidence published? It had been put forth in two papers, the Morning Herald and the Morning Post; both publishing it in the same day; the one under the direction of government; the other under the controul of a person who had recently received honour, and was known to be a frequent visitor at Carlton House. (*hear, hear!*) Would the noble Lord say there was any parallel between the two cases? Besides, at the time he (Mr. Whitbread) read the document, the noble Lord did not complain. [Lord Castlereagh across the table, "Yes, I did."] Did you? (*cries of order, order!*) He begged pardon of the House and of the noble Lord; he meant nothing offensive by the interrogatory; the noble Lord had said he did complain, and he took it for granted he had done so. But, he contended, there was a main difference between such publications and the reading of the document alluded to, the former having a direct tendency to load a person with infamy after an acquittal had been pronounced. With regard to the original publication which had led to the whole, he was no adviser in it, nor did he know who was; but this he knew, that when a person was defenceless, with no protector and no resource, giving publicity to wrongs was no crime; it was the last and only resource of that ill-used individual. Her royal highness, however, had disclaimed all knowledge of that publication; and she had come down to Parliament, she had thrown herself upon the justice of that House, and desired to be proved innocent or guilty.

Lord Castlereagh observed, that in using the term garbled, he meant to imply that the honourable member had read only a partial statement, when he should have either have read all or none. He had brought forth the minute of the Duke of Portland's cabinet of 1807, without producing the

minute of the preceding cabinet, which it was necessary should be done, in order to avoid producing an undue feeling in the public mind. He thought, however, the honourable gentleman had not acted fairly in accusing government of transactions which had taken place in a public newspaper. If the honourable member did not mean that the whole business should come out, then he should not have read the partial statements he did. Whatever injurious effects might result from this business, much responsibility would attach to those who had unfortunately been the advisers of her royal highness; and they who had been instrumental in causing a partial disclosure, on their heads would rest the evils that might follow such disclosure.

Mr. Whitbread was willing that all those evils should be upon his head; he was willing that on his head should be the peril of having attempted to vindicate the innocence of the Princess of Wales, in the only way that was left for him; and let the peril be also upon the heads of others, and upon the head of the noble Lord, who had refused to give any answer to questions put to him.

Lord Palmerston then rose to move the order of the day being read for the House going into a committee on the mutiny bill; when

Lord Milton said, he rose to move an amendment. He then proceeded to express, with much vehemence, the disgust and indignation which had been excited in his mind, and which he thought must have been excited in the mind of every other gentleman, by the contents of the newspapers for the last two or three days. The noble Lord had dared to draw a parallel between the reading of the minute of council by his honourable friend, and the publication of those revolting details with which the feelings of the English nation had lately been insulted? Were these libels, these pollutions, fit to be laid before the public? Would they not instil their poison into the minds of the young and inexperienced—of our wives and daughters? He, for one, should say, let the responsibility, the consequences of this measure be upon the heads of those who had advised, who had planned the publication of these papers, who had dragged into the light of day such scenes of iniquity. The noble Lord, before he sat down, moved an adjournment, which not being seconded, the House resolved itself into a committee on the mutiny bill.

Lord Palmerston moved for leave to insert a clause, in-

flicting a penalty on those persons who raised recruits under false pretences. Leave given.

Captain Bennet moved to insert several clauses relating to the infliction of corporal punishment in the army. The first clause was to make it unlawful for any general, commanding officer, court-martial, &c. to inflict the punishment of flogging in any of the troops serving in Great Britain, Ireland, the Isles of Guernsey, Jersey, and the Isle of Man. 2. To make it lawful to sentence the troops serving abroad to receive corporal punishment, provided this punishment did not exceed 100 lashes. 3. To make it unlawful for any officer, after a part of the sentence had been inflicted, to order any man to be brought out a second time to receive the remaining lashes. In the proposal to insert the last clause, he hoped for the concurrence of the judge advocate (Mr. Manners Sutton), who had on a former occasion declared his opinion that such renewal of the punishment was illegal. He then mentioned an instance related to him by an officer lately come from the peninsula, of a general who, disapproving of the mode of punishing a soldier by confinement, had ordered the black book to be brought, and finding him debtor so many lashes, immediately had him tied up to the halberts to receive them.

Lord Palmerston said that, after the repeated discussions which had taken place on this question, he should not trouble the House with any observations, but he should feel it his duty to resist the introduction of the proposed clauses.

Sir F. Burdett said, that the system of flogging was reprobated by every thinking and humane mind, as an ignorant substitute for the only proper mode of punishment for smaller offences, namely, confinement. The facts and arguments which had been brought forward on this subject, had had the beneficial effect of bringing this punishment into comparative disuse; but he should never rest contented without its total abolition. He wished to have known from the noble Lord, how far the restriction imposed by the orders of the commander in chief, respecting the number of lashes, extended? For nearly 1500 were often given, and the unfortunate victim was sometimes brought out three, four, or five times, to receive them. But what whatever was the disuse of this barbarous and humiliating custom, or the limitations imposed on its exercise, he wished that no discretion should be left on this subject to court-martials, or

commanding officers. At present a brave and veteran soldier might be sentenced to this punishment by an unfledged ensign, and not only have the flesh torn off his bones, but an indelible stigma fixed upon his character, and upon the peace and lasting happiness of his mind. This punishment could do no good; it was never known to reform a bad soldier, but had often destroyed good ones. Those regiments were uniformly the best disciplined where corporal punishment was the least used. The honourable baronet thought that there should be a scale of rewards in the army, as well as a scale of punishments; and that if a decent provision were made for those who had served for so many years in the army, to which, however, they would not be entitled without a good character, this would be a strong inducement to good behaviour. He then adverted to the change which had taken place in the composition of our army. This punishment had formerly been justified, from the character of those who generally enlisted in the army, and also on the ground that a man's enlisting in the army, and consequently subjecting himself to this punishment, was purely voluntary. At present a great part of the army at home, particularly the local militia, were taken by ballot from all classes of the community; and they being subject to this punishment, was no longer voluntary on the part of the common soldier. Some distinction on this ground was certainly necessary between our troops at home and those serving abroad.

Mr. Manners Sutton thought it quite impossible to get rid of corporal punishment at present. It had, however, fallen very much into disuse. Though the number of court-martials now were three times as many as formerly, the actual aggregate of cases in which corporal punishment was inflicted, was considerably less. The sentence of flogging was exchanged, in two cases out of three, into that of general service; and in most other cases confinement was adopted. There was a general disposition, almost an *avidity*, in commanding officers, to avail themselves of any mode of punishment in preference to flogging. He then adverted to some cases of peculiar hardship brought forward by Sir Francis Burdett last year. One was that of a poor man who had stuck pins and needles in his legs to avoid the execution of his sentence; another, of some poor men who had been punished severely for marrying contrary to the orders of their superior officers; another case was that of

some soldiers who were said to have had clogs fastened to their legs, and to have been compelled to walk seven or eight hours in this manner every day. Into all of these supposed cases inquiry had been made, and the accusation was found in every one of them to have been utterly groundless. As to the system of reward proposed by the honourable baronet, he would only say, that if such a system were shown to be practicable, there was no one who would more gladly assent to it than himself, but the theory of philanthropy was one thing, and the power of making every body rich was another. It should also be recollected, in answer to what was said of the number of persons seen begging about the streets without an arm or a leg, that there was such a thing in this metropolis as imposture. He thought the punishment of confinement in the army was only effectual, as it was the alternative for corporal punishment. The third clause proposed by the honourable gentleman opposite for preventing the repetition of this punishment, would, he thought, go to abolish it altogether; for when a man knew that he could not be brought out a second time to receive his hundred lashes, there was no fraud or artifice to which he would not resort to evade the execution of the sentence in the first instance.

Colonel Duckett spoke in favour of the present system. He at the same time repelled an insinuation of Mr. Bennet, that in the militia they sometimes flogged all round. In the militia, he said, there was much less flogging than in the regulars, and yet it would be found that the discipline of the militia was superior to that of the regulars.

Captain Bennet, in answer to what had been said by the honourable gentleman (Colonel Duckett) opposite, said, that in some militia regiments, the practice was not the same as in the regiment of that gentleman; it being a practice to flog, not all round indeed, but from flank to centre. That it was the practice to call out men a second time for punishment, might be inferred from the words of the sentences of courts-martial, that the man should "receive so many lashes *when and where* the commanding officer shall direct."

Mr. Whitbread congratulated the House on the temper with which the question had that night been debated, and the progress which had been made towards the abolition of the punishment in question. About 20 years ago, when he was a young member of that House, he mentioned for the first time, in his place, this practice, so much to be re-

probated, of bringing out men twice to receive one sentence. It was then said, in opposition to him, that it was most horrible to mention any thing of the kind in the House,—that the soldiers had by no means too much flogging,—that a lash could not spared. Now, however, owing in great degree to the honourable baronet behind him (Sir F. Burdett), who had brought the matter repeatedly into discussion, and owing to the interference of the right honourable gentleman opposite (Mr. M. Sutton), the punishment was in a great degree got rid off. He (Mr. Whitbread) should not press the point at that moment, as it was not then ripe for discussion; but he was convinced that by the silent progress of time, when the officers should find the disadvantageousness of this sort of punishment, it would gradually diminish, until finally abolished. The right honourable gentleman (Mr. M. Sutton) had said, that he had heard of no instances where a soldier had been brought out to receive the remainder of a sentence which they could not bear at one time. Unless officers had grossly deceived him (Mr. W.), this was a frequent practice; and one instance in particular he had heard, where a man, after having been tried by a court-martial and acquitted, was, on a reference to the black book by the officer who had preferred the charge against him, flogged, as a remainder of a sentence pronounced long antecedently. The right honourable gentleman (Mr. M. Sutton) had said, that if the bringing a man out the second time for punishment were forbidden, all possible shifts would be resorted to, to escape from punishment, as if all means possible would not, even in the present state of things, be made use of by the unhappy sufferers. This practice had, as he conceived, been pronounced by the right honourable gentleman (Mr. M. Sutton); illegal but now it was said to be not only not illegal, but expedient, so that if that right honourable gentleman's ideas of legality remained unchanged, he would of course have introduced a clause in the mutiny act, authorising the practice. As to the cases of mendicity from insufficient provision, it was a deplorable sight to see men,

"With half their limbs in battle lopped away,
"Beg bitter bread through realms their valour saved."

But in many cases he agreed with the right honourable gentleman (Mr. M. Sutton) that deception was practised, and that even in cases where the men had been in reality

mutilated, their sturdy beggarhood changed pity into disgust, and called loudly on the police to remove such annoyances to British pride. An honourable gentleman opposite had said, after opposing the clauses, that in regiments of militia the flogging was 20 times less, and yet offences less frequent than in the line. This was a pretty strong fact against the practice of flogging. Mr. W. sat down by expressing his conviction, that as by discussion the practice had been brought low, so it would in the end be entirely destroyed.

Mr. M. Sutton said, that the commander in chief would not have suffered to pass, without reprobation, any officer who had ordered a man to have been brought out a second time on an old sentence. He was happy to state, that from late regulations, allowing commutation to general service, flogging had decreased in militia regiments.

Sir Eyre Coote said, that the punishment in question had greatly diminished, and would in all probability be abolished. The diminution had arised from the clause allowing substitution of imprisonment, &c. and to the half-yearly inspection of regiments.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MARCH 16.

EAST INDIA QUESTION.

The Marquis Wellesley presented a petition, which he observed was signed by about 10,000 names, from certain merchants, manufacturers, ship-owners, &c. of the city and port of London, praying that the trade with the East Indies might continue to be carried on after its present mode.—Laid on the table.

Lord Grenville rose and said, he should beg the indulgence of the House while he offered a few general observations on the very important subject of a petition which a noble friend had presented to their Lordships that evening, the object of which was, for a renewal of the East India company's charter, nearly, or exactly, on the same principles upon which it now stood. He would first advert to what he understood from public rumour, as to the manner in

which his Majesty's ministers would bring forward that most extensive and complicated subject to the view of the House. The subject was one which naturally involved some of the most important principles of government and legislature, which ever came under the consideration of Parliament. It involved, in the first instance, the future rule and principles of government, by which the connection between the mother-country, and some of the greatest provinces, nay, empires and kingdoms, under the British dominion, was to be continued and upheld. Not that alone, but a system involving the well-being and happiness of 40 millions of people, at the lowest calculation, which were now subject to the British crown; for to the British crown they must be subject, until the British monarchy should cease to be a monarchy! (*hear, hear!*) This was the leading and paramount principle in the consideration of that vast business; for whatever may be the financial or the commercial importance of the subject, the paramount duty was the way in which they should discharge the awful trust of providing for the happiness and good government of so many millions of people. In this view of the subject, it was scarcely necessary to remind their Lordships, they would have to arrange and legislate *de novo;* but they would enter upon it with all the knowledge and experience acquired and furnished by that most enlightened and respectable body of men, the servants of the East India company Through these, a most considerable and important body of information was to be derived, upon points touching upon all the important questions that would arise out of the general subject; and in a considerable degree through the reports made to the other House of Parliament. There was one point, not only of great, but of peculiar importance: one that from the first acquisition of the great territory of Bengal, in 1765, to the settlement in 1784, was productive of much discontent and misery to the suffering inhabitants. He meant with respect to the mode of collecting the land revenues of that country. It was therefore held to be the duty of Parliament, in that year, to provide for the settlement of a fixed and permanent land revenue, to be paid by the proprietors of the soil. In this view, nothing gave him greater pain than some passages in the fifth report made to the Commons, in which a departure from that system, which was perfected with great labour and diligence by the then commissioners for the affairs of India; a system for the permanent settlement of the land revenues,

and which was reduced to practice under the sanction of that great and good man, Lord Cornwallis. And, on this head, he wished to be informed, if it was meant to adhere to the provisions of the act of 1784, or not? He felt no small portion of gratification from the remembrance of the humble, but zealous part he took in perfecting that most salutary regulation. But as he was speaking upon the general principles, he should not press that question. A second point upon which he wished to be informed was, whether it was intended to enter upon such a course of inquiry as would enable the House to decide from its own actual knowledge of the subject; because it was Parliament, and neither the Court of Directors, nor the executive government, that would have to decide. There was another most important topic forming a part of the investigation and arrangement, and that was the question of the military government of India; involving a principle under which that great empire had been acquired—a principle, the erroneous application of which may tend to the speedy annihilation of all their power and authority in that quarter. The question of the commercial monopoly was one too of great and extensive importance, involving not only the commercial relations with India herself, and of the newly acquired possessions in that quarter, but the commerce of the whole western coast of America; and he knew of no commercial system which promised so many or so great advantages, as that which may be established between our Indian dominions and that great line of coast. In the discussion and arrangement of these various, important, and complicated details, he assured the noble Lords he would willingly, as far as his humble powers went, afford every degree of assistance, and this would be most sincerely and zealously rendered by him; but he doubted whether the desired results could be obtained without affording the House a more extensive means of inquiry and investigation than the noble Lords appeared inclined: they had, no doubt, considered that part of the subject well, and he should wait till the incipient course they proposed. He wished to be informed as to the earliest time they proposed to bring the question under their Lordships' consideration: because, if the measures to be proposed elsewhere should run into long examinations, he thought they would improperly discharge their duty, if they did not institute some course of inquiry, before the probable time of such ex-

aminations being concluded. And he thought the subject should be submitted to the House in such a way as would afford them a clue to direct their inquiries. No inconvenience could arise rom such a course. At the same time he did not wish to drive ministers into any hasty or precipitate conclusions, or too hastily to enter into investigation.

The Earl of Liverpool deemed it at present entirely unnecessary to enter into any discussion upon the points on which the noble baron had delivered an opinion. Upon some of these points, there seemed between them no difference of opinion; and upon others, but slight shades. They essentially agreed as to the great and vital importance, more or less, of every branch of the great and complicated subject in question. With respect to the course of proceeding to be adopted, and in that he earnestly wished to guard against the supposition, that in whatever House this great subject may be first introduced by his Majesty's government, such a proceeding could not operate as the slightest ground of disrespect towards that House in which it did not originate. Their Lordships would recollect, that in all the great questions for many years past agitated in Parliament, the custom was to introduce it in either one House or the other; as for instance, the question of the union between Great Britain and Ireland, the commercial propositions between those two countries, and other great and important measures. He was ready however to say, that the subject in the first instance would not come before them in the shape of a bill, in which either House would not have an opportunity of discussing the different branches of the subject without the greatest inconvenience; but it would be brought forward in the shape of a distinct resolution, by which means they would have the opportunity of considering the different parts and branches of the question separately, and any noble Lord would be able to propose and introduce what he might deem proper and necessary for discussion. The resolutions which were considered as proper to form the basis of what was proposed, would be brought forward by a noble friend of his in the other House, in the course of a few days. It may then be considered whether or not it would be expedient that the resolutions agitating in the other House should be made the ground of a simultaneous proceeding in their Lordships' House. This, he thought, might be a very convenient mode of proceeding, with reference to the nature

and course the investigation may assume in the other House. The noble baron was aware, that on the present occasion, unlike that he had alluded to, some very strong differences of opinion existed between his Majesty's government and the East India company, and in what terms the opinions entertained by the latter on the points in question were expressed. That consideration would lead to a material difference as to the principle and course of discussion; and in that view, he thought, it would be more advisable not hastily to decide upon any particular course in that House; but to wait until they should see how the question may rest with reference to these differences of sentiment in another place. The expedient of a simultaneous inquiry, on the part of their Lordships, could then be more advantageously considered.

The Marquis of Wellesley professed himself generally satisfied with what had been said by the noble Earl opposite (Liverpool), and he approved of a simultaneous proceeding with the other House. He only requested, that when the question should be brought forward, it would be viewed, in all its vast and complicated relations, not as a question of commerce, or, as such, limited to the interests of the East India, or the general merchants, but as a question of government and of empire—of empire and of government, not confined to India or to Great Britain, but comprehending and combining the interests, glory, and stability of both. The question should be met and entertained with the utmost temper and circumspection, so as not to adopt suddenly a notion, that the monopoly was not to be renewed; nor, on the other hand, that no improvement or extension of commercial privileges was to be allowed to the general merchant; but the whole of the advantages, commercial and political, adapted to the countries respectively, should be cemented and glued together. The habits and prejudices of a people should always have influence in a plan of legislation; and though the act of abolishing the inquisition in Spain was one of the wisest as well as the most humane measures, as well as one of the greatest benefits that could be conferred on that country, it required much caution, much effort, and much art, to bring it about. With respect to the measure referred to by his noble friend (Lord Grenville), of making the revenue in India fixed, defined, and permanent, that too was his opinion and his policy; and howsoever he might appear to differ from the Directors, at one time, upon that

subject, he differed only in requiring due and necessary time. Some delay was absolutely necessary to effect that security and right of property, which it was his wish and endeavour to establish. He did establish it before he departed from Fort St. George; and the act was so eminently and solidly beneficial to the country, that he professed himself proud of it, and should be glad and ambitious to have the record of it inscribed upon his tomb.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MARCH 16.

LADY DOUGLAS.

Mr. Whitbread rose and stated, that application had been made to him from several quarters, to put off the motion of which he had given notice for to-morrow, on account of its being the anniversary of the Benevolent Society of St. Patrick. He should have been most desirous to comply with these requests, had he thought he could do so with a due sense of public justice; but the urgency of the subject was such, every day producing fresh proofs of its pressing importance, that he did hope even those who had applied to him would think that he best consulted the interest of the country, by resisting their application; and by being in his place to bring forward the motion, should the attendance of members enable him to do so. He was sure that there was not a son of St. Patrick, from the noble Lord opposite to the lowest inhabitant of St. Giles's, who would think him wrong in endeavouring as soon as possible to do justice to an injured female.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 17.

Sir Samuel Romilly brought in a bill to take away corruption of blood in cases of high treason and felony. It was read a first time, and ordered to be read a second time on Friday. Also a bill for altering the judgment in cases of high treason.

The munity bill was read a third time and passed, after a few words from Mr. Frankland and Mr. M. Sutton.

PETITION FROM SIR JOHN DOUGLAS.

Mr. Whitbread said, I hold in my hand a petition that I received just before my arrival in this House, which I was requested to lay before it. On perusing it I find that it is worded in a manner perfectly respectful, and I therefore told the individual who delivered it into my care, that I felt it my duty, as a member of Parliament, to present it. It is the petition of Major-general Sir John Douglas, on behalf of himself and Charlotte Lady Douglas, his wife. I remarked that the form of the signature was not perfectly legible, but I added, that I did conceive, that notwithstanding this informality the House would receive it as the petition of Sir John Douglas, though not as the joint petition of himself and his wife. I, therefore, move for leave to bring up this petition.

The question being put, Mr. Whitbread brought up the petition, which was read by the clerk, nearly in the following words:

"To the honourable the Commons of the United Kingdoms, &c.

"The humble Petition of Major-General Sir JOHN DOUGLAS, on behalf of himself and CHARLOTTE Lady DOUGLAS his wife;

"Sheweth—That your petitioners are advised that the depositions they made on their oaths, before the Lords Commissioners appointed by his Majesty for investigating the conduct of her royal highness the Princess of Wales, in or about the first of January 1806, were not made on such judicial proceedings, or before such a tribunal, as could legally support a prosecution for perjury against them.

"Feeling the fullest confidence in those depositions, and in the justice of their cause, they are ready and desirous, and hereby offer, to re-swear to the truth of such depositions before any tribunal competent to administer an oath, that your petitioners may be subjected to the penalty of perjury if it be proved that they are false.

"Your petitioners therefore pray that your honourable House will adopt such proceedings as in your wisdom may be thought proper, to re-swear them to their depositions before such tribunal as would legally subject to a prosecution for such depositions, should they be proved to be false; it being their anxious desire not to deliver themselves through any want of legal forms. (Signed) "JOHN DOUGLAS."

Mr. Whitbread moved, that the petition be laid upon the table, and it was ordered accordingly.

THE PRINCESS OF WALES.

Mr. Whitbread rose, and spoke in the following terms: At the time I took the liberty of proposing to the noble Lord, his Majesty's principal secretary of state for foreign affairs, certain questions, to which neither he, nor any

other member, returned any answer, I stated to the House, what I now repeat in perfect sincerity of heart (and before I sit down I trust I shall be able to prove from internal evidence), that I hoped and believed that the discussion which had taken place on Friday in the week preceding the last, had terminated those unpleasant circumstances which for many weeks had agitated the public mind. I observed, in my place, towards the conclusion of the debate, that from what had fallen from the noble Lord, from what had fallen from his Majesty's attorney-general, and from the concurrent sentiment of every member who had spoken, it appeared that her royal highness the Princess of Wales might be deemed, from that moment, to have received a glorious verdict of acquittal in the face of the whole House, from all the infamous charges produced against her. (*hear, hear!*) At no time am I confident in my recollection of particular words employed by individuals, but from the peculiar nature of the elocution of the noble Lord, from some happy ambiguity of expression, I own that I am much less able to fix on any determinate positive sentiment (if indeed any be intended), than if it were uttered by any other person, who is accustomed to express himself in language more precise and definite in its application. I was then under the delusion of supposing that the noble Lord did assert, that by the second cabinet of 1807, her royal highness was fully acquitted from every imputation of criminality. Others, I believe, were not less involved in this unfortunate delusion. (*hear, hear! from the opposition benches.*) I conceived that all imputation of criminality was removed; but I am informed, that the noble Lord added a word I did not hear, and that he professes to have said, that her royal highness was acquitted of *legal* criminality only. This word certainly escaped my recollection, and I hope that it has not been added from the inventive memory of any other individual. When I put the question on the last night, the noble Lord declared his opinion, that the House had passed no verdict, either of guilt or innocence, because he maintained (and I admit correctly), that this was not a tribunal competent to decide upon the question. A verdict of acquittal from the House then, I allow, it was not; but it was a verdict of acquittal from the noble Lord. (*hear, hear!*) It was a verdict of acquittal from every member who spoke—a verdict of acquittal, as declared by the cabinet minute, which I took the liberty, not impro-

perly, to read. I was not, as imputed, the first person to introduce it to the public; but whether I was or was not, it appears to me still (as was stated by a cabinet minister, whom I am sorry not to see in his place), to be a verdict of acquittal from all criminality, as strong as words can possibly convey. (*hear, hear!*) So impressed, notwithstanding the family divisions and differences—notwithstanding the unhappy transactions that have occured—notwithstanding all that had been then brought before the public, I did hope; say, I may venture to say, I am certain, that by judicious advice to both parties—by conciliation and submission from the one, and by affection and candour from the other (not going beyond the line which even feeling might justify), a happy period might have been put to these unpleasant and painful circumstances. I trusted that the wound was then at its crisis—that kindness would have healed both it and the public feeling, so long and so cruelly lacerated. But the conduct of the noble Lord, on a recent occasion, has made me despair; and since I understood from him, that when I submitted my motion to the House, he would attempt some reply to my interrogations, I shall now demand an answer. I ask him, then, whether it be true, that those persons whom the noble Lord (if my recollection does not again fail me) stigmatized in express terms as perjured and degraded witnesses (*hear, hear!*) were again examined? I have been informed, and from the mouth of Sir John Douglas, that from the 13th of February, down to the period when the debate took place, in which the noble Lord had termed him and his lady perjured and degraded witnesses, examinations had taken place of Lady Douglas, in the presence of her husband, as a credible and honourable person. That the fact is so, I cannot doubt; for Sir J. Douglas produced to me a letter from Mr. Conant the magistrate, stating that her presence was required, or that if she could not conveniently attend, he would wait on her. Sir J. added, that the examination was conducted by Mr. Litchfield, the solicitor to the treasury, in the presence of Mr. Conant, and what other persons I know not: so that down to the very hour when the noble Lord declared *him* and his lady to be perjured and degraded witnesses, Sir John Douglas was under the infatuation of supposing that the ministers not only gave full credit to his testimony, but that they examined him and his wife with the view of obtaining further information against that royal personage to

whom their evidence, described as it was immediately afterwards by the noble Lord, so materially applied. When I asked Sir John Douglas, as it was natural I should, what could be the meaning of this proceeding, he related to me what passed between the noble Lord and himself, which, as every thing now is laid before the public, I observe in a newspaper now in my hand. He said that he had waited upon the noble Lord, represented to him the hardship of his case, and told him that he had been so examined: if I forget not, the noble Lord denied all knowledge of the examination, and Sir John Douglas replied, "If your Lordship knows it not, the lord chancellor does." (*hear, hear*!) Gracious heaven! and is it come to this? Are persons, united in office for the government of the state under circumstances of such peril and difficulty, separately carrying on secret investigations? Is one of the King's ministers alone thus darkly searching and hunting for the discovery of evidence that will destroy the innocent? Is this the mode in which affairs of state of such moment are conducted? Does not the right hand know what the left hand doth? Does the lord chancellor of Great Britain lend himself to those sinister and obscure proceedings? Is it true, or is it not? I demand, and my country demands, an answer: it is for the noble Lord to say whether it be true or false. (*hear, hear*!) Sir John Douglas said that he would have redress: he would publish it to the world: he knew more, and his lady knew more than she had disclosed: the people of England should be acquainted with every particular, since he was determined, when he was so grievously wronged, to see himself gloriously righted. I told him that I was sure that any member would feel it his duty to present any petition to the House, framed in decorous language: but when I knew that these circumstances had taken place; when I learnt from such authority that the secret under-hand investigation was still proceeding; that the searchers into secrets for the destruction of the peace and happiness of families were not asleep; that this delicate investigation (as it has been falsely called, for it is, indeed, an indecent and nauseating exposure) was still continued under the eye of the lord chancellor, I saw that a crisis must arrive, and that some step must be taken to do justice upon the guilty. However proud a man might have been, after the proceedings on a former night, to advise a dignified approach by her royal highness to the regent, under the consciousness of acquitted innocence, in the hope

that she would be met by the Prince with the feelings of affection and kindness, yet after the disclosure of recent and secret proceedings, it was impossible that such advice should be given. I have heard more: I have heard that even since the 15th March examinations have been going on; that emissaries have been dispatched to pry into every paltry circumstance of life and demeanour; that the solicitor of the treasury, and other agents, have been set to work to ferret out grovelling evidence in every dirty corner of the metropolis; to inquire of every human being that may by possibility have seen or heard, or may not have seen or heard, but will swear to circumstances he never saw, and depose to facts he never knew. These blind inquiries too are not only secret from the public, but secret even from the noble *Lord*: the chancellor undertakes to provide a case: he hunts for evidence to support the charges: is it allowed for one only to be art and part in these transactions; to be art and part in this offence, against justice, decency, and morality? Since then the noble Lord is excluded, let me ask, are there no secret advisers—no persons unseen and unknown? (*hear, hear! from all sides.*) Are there no individuals, not recognized by the constitution, and concealed from the cabinet ministers, who are conducting these proceedings? If there are, and the noble Lord has discovered it, would it not be his duty to inform the House and the Regent of the fact; had the noble Lord any option or alternative but to determine not longer to serve a master who was secretly served by others. (*hear, hear!*) Under all these circumstances, after the lapse of a week from the acquittal of the Princess of Wales, in two papers, simultaneously appear the depositions of Sir John and Lady Douglas, whose testimony the noble Lord had so blasted by his declaration that they were perjured and degraded witnesses. In the Morning Post and Morning Herald of Saturday last, were published the depositions of Lady Douglas; and after what the noble Lord said, that the high crime of publication of an act of state was upon my head; that I was to bear the heavy responsibility—I can hardly conceive it possible for any man to presume to justify such unwarrantable conduct. It is true that I read a minute of council; not copied from the books of the board, but transmitted to the personage whose full and fair acquittal it purported to be. The noble Lord asserts, that I had the honour of being the first person who read a minute of council in this

House; I apprehend that if I had a minute of council to produce, no proceeding could be more manly, more open, more parliamentary, or more justifiable, than to read it in my place in the House of Commons: but I was accused of reading what, by a strange perversion, he termed a garbled extract; and then he explains it by saying, that I ought to have read the former minute of council, without which the latter could not be understood. But what the noble Lord maintains is not the fact. I was not the first person to publish an act of state, for the honourable gentleman behind me (Mr. Cochrane Johnstone) read the very previous minute of council, without which the noble Lord insists mine was not comprehensible: thus then both were before the House; and even according to the noble Lord, they were perfectly intelligible. If any blame attaches for having produced this minute of council, the honourable gentleman must sustain it; and if any merit is due, to him it will belong. The noble Lord, however, must allow me to remind him in which case minutes of council have been published; nay, garbled extracts of minutes of council. (*hear, hear!*) The noble Lord cannot forget the origin of the Duke of Portland's cabinet, and a certain publication called "The Letters of a Protestant." In these were inserted extracts unfairly taken from minutes of council; certain important words were omitted; and in this mutilated state they were delivered to the public. These copies could only have been made from the council book, and to whom the credit is due I know not; but thus far I may and will say, that "The Letters of a Protestant" were ascribed to a person very nearly connected with the noble Lord. But I will take upon myself the whole responsibility, and I acknowledge that I read that document, to show how much more completely the the Princess of Wales was acquitted by the second, than by the first minute. I produced it to prove how the preceding administration disagreed as to the mode of proceeding, and on the evidence produced; how they differed as to the advice they gave to the sovereign; how they led her triumphant in innocence to the arms of her father and her king: they were anxious that there should be no delay, but that every stain being removed from the spotless purity of her character, she should be received in a manner that became her exalted rank, and that was due to her complete vindication. Beyond that, however, there was another minute of council, which I did not read, show-

ing more satisfactorily the unanimous sentiment of the cabinet upon this important subject: it referred to a request made by her royal highness, that some apartments should be allotted to her in one of the royal palaces, for the purpose of more conveniently attending the drawing-room. The cabinet certainly concurred in the request, but they leave it to the King to determine what apartments he thought fit to appropriate to the purpose. Since this period, and since the deposition of Lady Douglas was delivered, various publications of documents have been made in papers, the names of which I mentioned to the House on a preceding night, in the habit of containing expressions not very disagreeable to ministers, nor very unwelcome at Carlton House. Upon one of these newspapers, I shall however fix, in justice to his royal highness, and to his immediate friends, called The Morning Herald; and whoever reads its columns, must conclude (whether truly or falsely, I pretend not to say), from the ostentatious display of the Prince's crest, that its sentiments are well accommodated to the personage under whose patronage it boasts itself to be placed. Other circumstances may confirm this opinion, when he finds that the reverend proprietor, who possesses certainly great abilities, and I have no doubt has been eminently serviceable to his country, has been distinguished in an extraordinary manner as a divine; by church preferment, and by other honours conferred upon him out of the usual course of appointments of that kind. Through this channel these disgusting documents, by which the public morals have been tainted, have issued. Ambiguous and obscure, as were the expressions of the noble Lord on the former night, I do not believe he uttered any thing that will bear the inference, that it was necessary, by the publication of these depositions, to remove the false impression of the innocence of the Princess of Wales; but certain it is, that after two cabinets have declared her guiltless, and one of them blameless, it is thought necessary to reprint that testimony, which, to the world, before its publication, the noble Lord acknowledged to be false and perjured. (*hear, hear!*) That is the course taken, not, as I said, from any supposed recommendation of the noble Lord, though perhaps his words might have borne that construction. After the evidence of Lady Douglas, followed in a train all the disgusting, nauseous, and atrocious documents, the falsehood of which is known and acknowledged, many of which,

beastly as they are, have been put into the shape of a volume, which has come to my hands, bearing the name of the late Mr. Perceval, by whom the press is said to have been corrected. He thought the Princess of Wales so grossly and grievously injured, that for the sake of her vindication it was necessary that she should submit that these painful details should be laid before the people of England and the world; and he consequently prepared a comment upon it, to prove the falsehood of the story, and to expose the scene of villany by which it had been raised. When, however, Mr. Perceval is dead, when her royal highness has no advisers remaining, when she has been "deserted in her utmost need by those her former bounty fed," when a series of years had elapsed, during which the public has been kept in a state of anxious ignorance of facts that they sought with eager curiosity; when the Princess has been declared innocent and blameless by two cabinets, and the witnesses against her acknowledged to be perjured and degraded, then the public mind is polluted by these unfounded and indecent statements. What was the object of Mr. Perceval in wishing to submit them to the examination of the people? To prove the innocence of the Princess of Wales. What is the object of their publication at the present moment? To prove her guilty. (*hear, hear!*) After so many declarations of her innocence from all sides, even within a few days of the time I am now speaking, these papers are brought forward to deceive the public, and to lead to a base conclusion of her guilt. Mr. Perceval would have given it to the world to protect injured innocence, and now it is adduced to calumniate the very woman to whom he was the adviser, defender, and counsellor. (*hear, hear!*) What woman was ever before placed in such a situation? Then let me ask any man whether it is possible for matters to rest here? Is not a crisis imperiously called for; and the sooner it arrives, the better will it be for the crown and for the people. Under these circumstances I thought it my duty to give notice of my present motion; and in bringing it forward, be it remembered, that I am not the advocate of the Princess of Wales, but the advocate of justice. For how many years has her royal highness suffered under surmises, insinuations, and accusations? It is now eleven years since they were commenced, and she has not yet passed through the fiery ordeal of her trial. To whom is this delay to be attributed? The Princess of Wales has at all periods loudly claimed public

inquiry. In 1806, by advice of Mr. Perceval and Sir Thomas Plomer, she demanded a fair and open trial: it was not granted, and in 1813 she has thrown herself upon the Prince and upon the Parliament, insisting upon her innocence. We all know that she wrote a letter to this House, claiming—not mercy, not compassion, not protection, but that which I require, not only for the Princess of Wales, but for every subject of the kingdom—justice. The case may be that of every man: his wife, his daughter may be in a situation of similar distress. I claim for the Princess of Wales an open trial; or if she be not tried, a full, fair, free, and unreserved acknowledgment of her innocence. "Try me," she entreats, "before a public tribunal, competent to decide, and let that decision be final."—"No," reply ministers, "you shall be tried only before the tribunal of the public: every man, woman, and child, in the Empire shall read the evidence against you." She demands, "Let me be judged by my peers, and if guilty, let me be condemned and suffer."—"No," cry the ministers, "you shall be tried in every alehouse in the kingdom: your judges shall be the most ignorant of mankind, incapable of drawing fair inferences of guilt or innocence. We will expose your shameless, degraded, naked, unprotected, to the view and gaze of the wondering multitude: you shall stand exposed to the eyes of a gazing world." Good God! is this the way justice is administered in England, the country that boasts so much of the purity of its laws and the excellence of its establishments? Is this the mode in which innocence is maintained against the poisoned shaft of calumny? I claim nothing of this House by way of protection; I claim nothing of this House by way of mercy; I do not pretend myself to decide whether the Princess be or be not guilty; I judge only from the decisions of those who, when appointed, have declared her innocent; I insist upon that which ought to be granted without even being required; let her suffer by law if she deserve to suffer, but do not allow her to suffer eternal torments from the arrows malignity hourly launches at her bosom! Various modes have been suggested for terminating those proceedings which for years had rendered miserable the life of the Princess of Wales; and from the report of the commissioners recommending that Lady Douglas should be prosecuted for perjury, "on such parts of her testimony as, to the law officers of the crown, appeared justly liable thereto," I had origi-

nally thought that such a prosecution ought to be commenced, because Lady Douglas, it should not be forgotten, is in the same situation as the Princess, either she is guilty of the crime of perjury, or she is grossly injured. Let Justice raise her arm, and let the sword strike the guilty, but do not delay the blow. I understand, however, that in consequence of a technical objection, such a suit is impossible, notwithstanding the opinions of Lord Erskine, Lord Ellenborough, and others, to the contrary, and under these circumstances I shall not persist in the motion I at first intended to make; but I deemed it but justice to the innocent, to state the circumstances to which I have already alluded. The depositions are now before the public, and upon them the commissioners have reported that they deserve no credit; one of the witnesses indeed is directly contradicted in an important fact, and other important incongruities may be seen by the most superficial glance. At the same time, such is the known credulity of the public mind, that even where the life of the individual is at stake, guilt is always presumed even on the slightest testimony; and it is not so much to be wondered at, when it is found prevailing in other quarters where more enlightened and liberal views ought rather to have been taken. Some of the witnesses declared that they had heard the report, but from their own personal observation, they knew it to be nothing but the lie of the day; and yet it was singular that the individual to whom this remark was addressed, still professed to believe that it had some foundation in truth. (*hear*, (*hear*!) If persons who are most enlightened thus maintain their prejudices, and no means are left for vindication, how is innocence to be maintained? Does it not become us as men, as lovers of justice, as representatives of the people, as supporters of the dignity and stability of the throne, when such horrible crimes are attributed to one so near it, to bring the matter to a crisis? Is it not our bounden duty to seek a speedy decision, for the sake of the governing authorities of the country? Is not the Prince of Wales interested in the determination? Is not the monarchy itself interested in the determination? (*hear*, *hear*!) Notwithstanding the verdict of acquittal; notwithstanding the affectionate and assuring visits of her royal father; notwithstanding the protection she received from the king, as the child of his bosom, up to the last hour of his mental existence, still there are found those who traduce the character of the Princess of Wales:

she now is without the respect of a large portion of the people of England, but I believe not without their compassion. Give me leave to remind the House who the individual is that has been thus grievously injured. In 1795, the Princess of Brunswick was married to the Prince of Wales, and at the expiration of a year she produced the present heir-apparent to the crown, on which occasion, as well as on her marriage, she received the adulation and congratulation of the Empire. She was looked up to as the pattern of excellence, and was pointed out as an example to the rising generation. Fifteen months had only expired, from her arrival in England, when she was separated from her husband; and it is but justice to say, that not even the whisper of imputation was heard upon her conduct. From the letter of the Prince, however, it appeared that differences existed, and he was not contented with her society, and the separation took place under circumstances of considerable aggravation. She was a distinguished foreigner, whose conduct was unimpeachable, who had produced an infant, the hope of the nation, and she was suddenly stripped of the trappings of royalty, dismissed from scenes of pleasure and luxury to a private station, without any of the solaces that belong to seclusion. She had no friends, no relatives, to render her solitude less wearisome, and her former splendour made the contrast appear more gloomy and cheerless. Still, however, her conduct was blameless; she bore her severe lot with fortitude, and up to 1802 the tongue of calumny was silent. Supposing, however, she had been guilty of improprieties of demeanour, let us consider what would be the case of a private individual in her situation. Admit that she had been guilty of the crimes imputed to her: if the husband sought a remedy, what would be the decision of the law? Would it not take into its view the peculiarity of the circumstances; would it not form a milder judgment when it was found that a young princess had been deserted and exposed by her husband in a foreign country, without the natural protection that is her due? The court would say, if the subject came under its notice, that the husband had neglected to afford his guardian care, and that it was not less his fault than hers, if her conduct were imprudent and irregular. The case of the Princess of Wales, however, is far more severe; she is turned upon society without the ordinary means of amusement,

without the consolation of parents to recompence her for the loss of her husband, who had taken perhaps an unfounded disgust, or might have other objects in procuring the separation. If, however, the crime imputed to the Princess were sufficiently established, we know that the effusion of the royal blood must have expiated the offence. [Mr. Whitbread then noticed the evidence of Lady Douglas, who deposed, of her own knowledge, to the birth of a male child; if such were the fact, he argued that inquiry was absolutely necessary, since the Princess Charlotte would not be deemed the heir-apparent to the throne, until the illegitimacy of the male offspring proved by Lady Douglas to have been produced, were completely and satisfactorily proved.] Mr. Whitbread continued to observe, that the evidence of Lady Douglas went farther than to inferences from what she had heard in her conversations with the Princess of Wales; for she swore positively that, to her knowledge, the Princess of Wales was not only with child, but delivered of a male child. Why had nothing been done to ascertain the truth of this matter? For if true, this child, and not the Princess Charlotte, was heir to the throne, unless it could be proved that it was the offspring of an adulterous intercourse. Though the separation had taken place long before, it was not till 1805 that any communication had been made to the Prince of Wales on the subject of the alleged improper conduct of her royal highness. He must say, that he thought the Prince of Wales acted properly on that occasion, in referring the matter to the King, and, by his advice, to the four commissioners chosen by his Majesty. These commissioners declared, after a full inquiry, that the main charge was not proved; and added, that from the evidence of Bidgood, Lloyd, Cole, and Mrs. Lisle, there was a foundation for imputing to her royal highness a degree of levity and impropriety which did not become her character and station. Many improper steps had been taken to poison the public mind, and to give it an unmerited bias against the Princess of Wales. He held in his hand a pamphlet, which he had lately purchased in the City. It was stated in the title-page that it came from royal authority, and he was even told so in the shop in which he purchased it. These words were even put up in large letters on the outside of the house where it was sold in the City. But, for his part, he did not

believe a word about this royal authority. To the evidence of Sir John and Lady Douglas in this pamphlet, a curious note was attached, the object of which was, to uphold and set off their evidence, and that of the four others, as the proper foundation for forming an opinion of the guilt or innocence of the Princess of Wales. He was sorry to find that so much credit had been given by the commissioners to the evidence of these four persons. What credit can be attached to that, for instance, of Frances Lloyd, which was so completely and fully refuted by Mr. Mills, when sent for by Lord Moira, whose interference in this unhappy business he very much lamented. When fully contradicted by Mr. Mills, he said, then it was probably Mr. Edmeades that had spoken to her in the manner described in her deposition. But what did Mr. Edmeades say when he was examined? He rejected the foul calumny with honest indignation, and swore that he neither thought nor uttered what was imputed to him. The evidence of Mrs. Lisle, a woman of high rank and respectability, was of more importance. She had been living with the Princess of Wales, ever since she came to this country, till 1812. But he would ask, why did Mrs. Lisle stay so long with the Princess of Wales, if the conduct of her royal highness was really such as that described in what was given as the deposition of Mrs. Lisle? A gentleman of integrity and honour had this morning put into his hands a correct copy of the full evidence of Mrs. Lisle. He did not himself mean to vouch for its authenticity; but he would read some parts of it, to show how much it differed from the deposition given to the public. Some of the questions put to Mrs. Lisle were highly ridiculous, unfair, and improper; nor were several of those, said in the evidence to have been put by Lord Erskine, such as could be expected of that great lawyer. When they had asked Mrs. Lisle whether Captain Manby was not in the habit of always sitting next the Princess at dinner, and she had answered in the affirmative, they then put a ridiculous question, to know whether their modes of sitting at dinner resembled that, in which she and the four commissioners sat round the table where the examinations were carried on. They also asked if the Princess and Captain Manby did not sit apart from the rest; and when Mrs. Lisle answered in the affirmative, they asked—what do you suppose they talked about? To which her answer was, that she did not hear. Mr. Whit-

Prince of Wales, and sent it to the Princess. She did him the honour of taking a copy of it in her own hand, with the intention of sending it to the Prince; but this healing and desirable step was prevented, by her receiving information that Sir John and Lady Douglas were again under examination, and that too with the sanction of the lord chancellor. The letter he would read, if the House would indulge him. The following is a correct copy:

"SIR,—I once more approach your royal highness, and can venture to assure you, Sir, that if you will deign to read my letter, you will not be dissatisfied with its contents.

"The report made by certain members of his Majesty's privy council, was communicated to me by Lord Sidmouth, and its contents appeared to those, upon whose advice I rely, to be such as to require on my part a public assertion of my innocence, and a demand of investigation. It cannot be unknown to your royal highness that I addressed a letter to the lord chancellor, and a duplicate of that letter to the speaker of the House of Commons, for the purpose of its being communicated to the two Houses of Parliament.

"The lord chancellor twice returned my letter, and did not communicate its contents to the House of Lords.

"The speaker of the House of Commons thought it his duty to announce the receipt of my letter, and it was read from the chair. To my inexpressible gratification I have been informed, that although no proceeding was instituted according to my request, certain discussions which took place in that honourable House, have resulted in the complete, and unequivocal, and universal acknowledgment of my entire innocence, to the satisfaction of the world.

"Allow me, Sir, to say to your royal highness, that I address you now relieved from a load of distress which has pressed upon me for many years.

"I was always conscious that I was free from reproach. I am now known to be so, and worthy to bear the exalted title of Princess of Wales.

"On the subject of the confirmation of the Princess Charlotte, I bow, as becomes me, and with implicit deference, to the opinion expressed by his Majesty, now that I have been made acquainted with it. His Majesty's decision I must always regard as sacred.

"To such restrictions as your royal highness shall think proper to impose upon the intercourse between the Princess Charlotte and myself, as arising out of the acknowledged exercise of your parental and royal authority, I submit without observation; but I throw myself upon the compassion of your royal highness, not to abridge more than may be necessary my greatest, indeed my only pleasure.

"Your royal highness may be assured, that, if the selection of society for the Princess Charlotte, when on her visits to me, were left to my discretion, it would be, as it always has been, unexceptionable for rank and character. If your royal highness would condescend, Sir, to name the society yourself, your injunctions should be strictly adhered to.

"I will not detain your royal highness—I throw myself again on

your royal justice and compassion, and I subscribe myself, with perfect sincerity, and in the happy feelings of justified inocence, your royal highness's," &c. &c. &c.

Was it fit the Princess of Wales should leave the country? Was it for innocence to fly? She, of all persons in the world, in the exalted rank in which she had been placed, was the most unprotected. Let the House look to the circumstances which had brought on those accusations; how she had been elevated to her high rank; and how, because she was not agreeable to the taste of her husband, she had since been brought down! Compare her case with that of Caroline Matilda of Denmark, who, in consequence of a political struggle in that country, being involved in suspicion, was ordered to be confined in prison, where she died of grief. She was described by the historian as suffering in consequence of her being far removed from the equitable tribunals of this country. In Denmark she could not receive that justice which she was certain of experiencing, had she been so fortunate as to be subject to the mild and equitable laws of England. Caroline Matilda, an English princess, could not have justice in Denmark; but the case of the Princess of Wales was different—she was in England, and she might therefore expect to have her conduct judged of by the laws of England. She was suspected, and she asked to be brought, and to have her conduct investigated, before an English tribunal. An English princess could not obtain English justice in Denmark; but she, a German princess, asked with confidence for English justice in England. She, the niece of this very Caroline Matilda, asked that justice in England, which had been denied to her aunt in Denmark. Caroline Matilda endeavoured to escape from her persecutors: the first person she met was her chief enemy; him she could not meet, and she returned to her room. Again she made an attempt, and though met by a file of men with fixed bayonets, persevered: but her husband being removed, she was secured, and conveyed to the Castle of Kronsberg. Every endeavour was made on the part of her brother in law, the father of this very Princess of Wales, to rescue her: but she being removed from her children, died broken-hearted, at the early age of 24. The evidence against her, as historians stated, far from warranting a legal conclusion of her guilt, did not amount even to presumptive proof of it. On what, in the present instance, did the Princess of Wales stand?—she stood on this—Lord Eldon, as a lawyer,

said, the greater part of the evidence was satisfactorily disproved, and as for the remainder he (Mr. Whitbread), and all men, utterly discredited it. The Princess of Wales had the consolation of thinking that she was surrounded by ladies of the first rank in the kingdom, who would not, from regard to their own character, have remained about her person, were they not satisfied of her innocence. If she wished to quit this country, she had now no father to go to; nor had she even her father's country to afford her an asylum. He who would have afforded protection to Caroline Matilda, was not now in existence to protect his own daughter. He had forfeited his life in the battle of Jena, having died in consequence of a wound which he there received. The Princess, however, had the satisfaction of knowing, that he lived to be informed of her acquittal, and died in the persuasion of her entire innocence. What protection then had the Princess of Wales? She had not that of her husband and of law. Her father, who had endeavoured to protect Caroline Matilda, was no more. Her husband had withdrawn from her royal highness his protection; and was that House to withhold from her its protection also? She had, indeed, her noble mother here—the sister of Caroline Matilda; she had her bosom to retire to. She had also her gallant brother, though he had not now the same means of affording her protection as formerly. She, therefore, or rather he, (Mr. Whitbread) in her name, called on that House—the representatives of the people of England—to become the protectors of an innocent, traduced, and defenceless stranger—the mother of their future Queen. He wished most sincerely that "The Book," now lying on the table of the House, before him, had never been printed; he wished that the threatening letter to his Majesty in the year 1807, threatening that The Book should be published on the following Monday, had never been written. He did not ask of the House to approve of any subsequent letter which had since been published: he only asked of them to compare that letter with the threatening letter dictated by Mr. Perceval. He should not, however, read the two. He would not do it, on account of Mr Perceval, who was now no more. He did not wish to execute justice on him, but he would on Lord Eldon, if he could, because on him he thought justice should be done. (*hear!*) He would read the two letters, for the sake of executing justice on the one, were it not that he might thereby seem to be doing an act of injustice to the

memory of the other. One word more, and then he had done. It was never too late to conciliate, and if even now matters could be brought to that crisis, he was certain the nation would esteem it the greatest boon that could be conferred on the country. He concluded by putting in copies of the Morning Herald of Saturday and Monday last, the parts of which alluded to were entered as read, and then moved an humble address to the Prince Regent, expressive of the deep concern and indignation which the House felt at publications of so gross and scandalous a nature, so painful to the feelings of his royal highness, and all the other branches of his illustrious family; and praying that his royal highness would be pleased to order proper measures to be taken for bringing to justice all the persons concerned in so scandalous a business, and particularly for preventing the continuance or repetition of so high an offence.

The question being put,

Lord Castlereagh said, he should not attempt to enter into the details of the papers and books to which the honourable gentleman had referred, and which, he stated, had been handed to him. He hoped the main attention of the House would be directed to the practicable purposes which could be expected from the motion with which the honourable gentleman had concluded. Was it conciliation which the honourable gentleman had in view? In what respect was his motion, far less the speech with which he had prefaced it, calculated to produce conciliation? The papers of the next day, after the letter first published had made its appearance, instead of showing any abstinence from farther discussion on the subject, contained two letters of his Majesty himself. He agreed, that the monarchy itself was concerned in the course now to be pursued, and that it was never more concerned in any thing than in the measure now to be taken by Parliament. Much injury, in his opinion, was to be apprehended from such speeches as that which they had heard to-night from the honourable gentleman. He did not wish to interrupt the honourable gentleman, though he must be allowed to say, that it appeared to him that the honourable gentleman, under the pretext of vindicating the Princess of Wales, had indulged in illiberal, unfair, and, as he (Lord Castlereagh) thought, unparliamentary observations on the conduct of the Prince of Wales himself.

Mr. Whitbread moved that the words of the noble Lord

be taken down. If he himself had followed the course ascribed to him by the noble Lord, it would have been his Lordship's duty to have moved that he (Mr. Whitbread) be committed to the Tower.

The Speaker said, the rule in such cases was to have the expression taken down, as stated by the person objecting to it, to have been used, and then to let the party charged with using it, either admit or deny his having used the words objected to.

Mr. Whitbread dictated the words used by Lord Castlereagh, when

Lord Castlereagh said, he had nothing in them to alter.

The Speaker observed, that then it remained for the noble Lord to explain or vindicate the words he had used.

Lord Castlereagh said, he should go on to make good what he had asserted. The honourable gentleman, in pursuing this question, had gone the length of stating, that if the conduct of the Princess of Wales was at all criminal, hers was a crime arising out of the conduct of the Prince of Wales.

Mr. Whitbread spoke to order. He denied what had now fallen from the noble Lord. The noble Lord was sufficiently skilled in debate, and in the practice of that House, to have stopped him, (Mr. Whitbread) if he had so expressed himself; neither would the speaker have allowed him so to talk of the crown, or of the person virtually holding it.

The Speaker was of opinion Lord Castlereagh had a right to go on.

Lord Castlereagh said, he had not interrupted the honourable member, because his observations applied only to the Prince of Wales, and not to the person holding the crown; and he termed this conduct on the part of the honourable gentleman illiberal, attacking, as it was, a person in his absence.

Mr. Tierney spoke to order. If this mode of proceeding were adopted, a person who had no such intention as that imputed to him, might have any charge fixed upon him argumentatively.

Mr. Whitbread explained, that if any thing which had dropt from him could warrant the charge made against him by the noble Lord, he could only say, that it was by no means his intention.

Lord Castlereagh said that was quite satisfactory. The question then was, if the proposition of the honourable gentleman was one which it would be consistent with the duty they owed the public for that House to adopt? His motion being to call two printers to the bar of the House; or rather, to order them to be prosecuted by the attorney general, after the interval of a fortnight, during which almost every document on all sides had been published. No man regretted the painful and disgusting disclosure which had been made more than he did; but he was of opinion that they with whom that disclosure had originated were to blame. It was impossible that persons could be ignorant that the evidence was not confined to the hands of government alone; and when the giving publicity to it was resorted to on one side, it could hardly be expected that similar courses would not be resorted to on the other. But was this really a measure of conciliation? Was it not rather a declaration by the honourable gentleman himself, of the total want of power on the part of Parliament to interfere in a matter of this kind, he having given notice of a motion for a prosecution against Lady Douglas; but finding he can do nothing in that way, thinks of the present motion, which was only meant as a vehicle for putting the House in possession of the speech of the honourable member on a particular view of the documents. As the honourable gentleman could not find out how Parliament was to interfere, and that all he could do would only have the effect of agitating the public mind by the speech he had made, he was now at last obliged to retreat. (*a laugh*! *Mr. Whitbread leaving the House at the moment*). He (Lord Castlereagh) hardly knew how to deal with the present motion gravely, and he found it impossible to dismiss from his mind the mode in which the honourable gentleman had argued it. The whole line of argument pursued by the honourable gentleman went to show that there was no use for any trial, rather than to show that a trial was necessary; and indeed, from the speech of the honourable gentleman this night, it would rather seem as if it had been his wish to put the four commissioners on their trial. He thought, if the honourable gentleman had intended thus to lay his case, that it would have been but friendly in him to have apprised his noble friend (Lord Erskine) of his intention. At all events, it would have been fair to have given an honourable and learned friend of his (Sir Samuel Romilly) some idea of his intention, that as that learned gentleman,

then solicitor general, acted as secretary in the course of the investigation, he might have been enabled to give an explanation, or rather an answer, to the observation of the hon. gentleman. He should have thought, had the honourable and learned gentleman had any idea of the line of argument to be adopted by the honourable gentleman, he would have waited in his place to have answered his objections, and not have suffered Lords Erskine and Ellenborough to remain in the helpless state in which they were at present placed. It was not, he contended, for the House to discuss such questions as the present. He protested against the existence of such a right in them. The House of Commons was not competent to take the subject into their consideration, or to administer justice in it. He denied that he had ever (as had been said) pronounced a verdict of acquittal in favour of her royal highness. He had not done so, because he never felt himself called on to act as a judge in the case, or to do any thing more as a privy councillor than as a member of Parliament. The opinion which he had given as a member of the Duke of Portland's cabinet, was that which he now adhered to, namely, that there was no proof of criminality on the part of the Princess of Wales; for that the evidence against her was either wholly contradicted, or not entitled to any credit. He had said now, that it was for the interest of the Princess Charlotte, that the intercourse between her and her mother should be under some restraint, but this was not on the pretence of any criminality attaching to the mother. He begged it to be understood, that in exercising the duty he had discharged as a member of the Portland cabinet, he was not called on to say guilty or innocent, but only to exercise his judgment on the documents before the council. Every subject of this realm had a right to be considered innocent till declared guilty in due course of law. If he had been of opinion that her royal highness should have been put on her trial, that would not have altered the right she still had to be esteemed innocent till declared guilty by the due course of law. The opinion of the cabinet on that occasion was, that it was not expedient there should be any further proceeding; it was, therefore, but consistent with the due course of justice that the Princess should be received by the King as innocent. The honourable gentleman thought it necessary that there should be a public trial; but what effect could the prosecution of two newspapers have on them? He did not think the honourable gentleman was a very

wise and prudent defender of the Princess's honour, in urging such a motion. As to the idea of inquiries being at this moment in dependence, he did not think himself called on either to admit or deny that the fact was so. He was not to answer questions till he was satisfied as to the object which answering the question was intended to produce. He would neither consent to answer a question on such a subject, nor to produce any document which might be called for, till he was satisfied of the wisdom of the parliamentary proceeding which was meant to be founded on it. He disclaimed the right of the honourable gentleman to catechise him, unless he saw some good parliamentary ground stated, which he did not here. He saw enough of this business, and of the use to be made of the motion, if granted, to compel him to say, he should not be induced to do as the honourable gentleman would have him. The honourable gentleman said, Parliament should interpose, to the effect of giving to her royal highness the protection of the law. His Lordship did not know that her royal highness was deprived of its protection. No step could be taken against her but under the law; and when proceedings at law were instituted, then would the protection of the law be open to her, as to every person else. He was not aware of any intention, in any quarter, which should render it necessary for her royal highness to resort to the law. When any seizure should be made for the sake of depriving one of their liberty, as in the case of the Princess Caroline Matilda, it would then be time enough to provide against it. The honourable gentleman was rather tardy in complaining of the sin of disclosure in this case. No principle or end of justice could be served by complying with the present motion; and he had no doubt the House would consult its own dignity by negativing it.

Mr. Ponsonby stated it as his firm conviction, that his honourable friend, in the warmth of his zeal, had been misled; and that the person who had put that unauthenticated paper into his hands as Mrs. Lisle's deposition, had deceived him. He was sure, when the matter came to be sifted, that it would be found so; and that the four commissioners had equally done their duty to the crown and justice to Mrs. Lisle. He was sorry, however, that those four commissioners, being all peers, they could not be present in that House to answer for themselves; and he was sorry also, that his honourable and learned friend was not present, because of his high character and legal knowledge, and because, if any

improper depositions had been suffered to be taken, his honourable and learned friend was as culpable as the four noble Lords. But he had such a firm reliance upon the known probity and integrity of those noble Lords, that he was satisfied, when the whole came to be thoroughly investigated, it would be found that nothing had been done but what was strictly warranted and legal. He had, however, written a note to his honourable and learned friend (Sir S. Romilly) to inform him of what had happened since he quitted the House, and to request his presence in the course of the evening. With regard to the motion, he should certainly support it, but from reasons very different from those urged by his honourable friend. For himself, he believed no one would say that he had interfered improperly, or indeed at all, in the dissentions that unhappily prevailed between two illustrious individuals. He had voted against the motion the other night; and if the present question had been for the prosecution of Lady Douglas, he should have voted against that, because it could have been of no use, and because that House had no constitutional power of interfering. But what was the present motion? To prosecute certain printers, or, if the noble Lord wished it, all the printers, and he would vote for the prosecution of all who had published those documents alluded to. And here he wished to point out a fallacy in the noble Lord's speech. The publication in question unfolded a scene of such indecency, of such pollution and infamy, as, he believed, no country in the world could parallel, when it was remembered that the objects connected with that disclosure were exercising the functions of royalty. And yet the noble Lord said it was not a fit matter for prosecution. But he would put it to the candour, and the feeling, and good sense of that House, whether it was fit such an exhibition should be continued? His object, in voting for the motion, was to put an end to it altogether; to extinguish that frightful and horrid scene; and if the House refused to accede to it, might they not expect that other disgusting and nauseous anecdotes would be put forth? And if so, whom would that House have to blame but itself; because, when a motion was before it, whose object was to check the odious stream, they refused to grant it. If it should prove so, he trusted that no man would say in that House afterwards, that there existed a spirit in the country to revile and traduce royalty; that there was an anti-monarchial disposition in the land: such reproaches he hoped never to hear in that House again, be-

cause, let whatever would be printed, they could have no cause to complain. The motion now before them, if accepted, would put a stop to the publications in question; if rejected, would encourage them; and before another month elapsed, would make them all bitterly lament their refusal of it.

Mr. Bathurst expressed his surprise at the nature of the motion before the House, and to which he considered the speech of the honourable gentleman who made it to have as little reference as a question of adjournment would have. After talking of a mighty crisis that had approached, in what did it all end? In a motion to prosecute two printers. (*hear, hear!*). And for what? Not for calumny, for they were not the authors: their only crime was publishing documents, in some degree legal certainly, and publishing them entire, without any mutilation—a point which the House should bear in mind. Suppose, for a moment, they were convicted; how would their conviction operate to the justification of the Princess of Wales? An honourable member (Mr. Ponsonby) had talked of the publication as such an offence to public morals and decency, as could not be passed over. He was willing the question should be so regarded; but let it not be mixed with other matter. The publisher was not the inventor; and if the House agreed to the motion, it must, in so doing, come to this conclusion, that if that very book had been put forth as the defence of her royal highness, then the publisher, and not only the publisher, but the corrector of the press, would have been liable to the censure of that House. The distinction was, whether a matter of historical fact, not put forth with any intention to degrade any person, was a fit matter for prosecution. No person ever thought of prosecuting those who published the most indecent trials in matters of divorce. He wished the House to be extremely guarded before it took upon itself the office of prosecutor; and with regard to the publication itself, he must say, that until the door was opened by that unfortunate advice which occasioned the publication of her royal highness's letter, nothing had been given to the world which could either influence or mislead the public judgment. The offence, whatever it might be, consisted merely in publishing evidence—a thing which nobody could possibly regret more than himself.

Mr. Stephen acknowledged that he had read these papers not only with pain but with grief; but he had read docu-

ments equally disgusting in other papers, and in some of them before last Saturday. But he rose to speak to another point. He rose in consequence of an attack on the memory of an illustrious friend of his, the revered and lamented Mr. Perceval. When the honourable mover took merit to himself for not doing justice to the memory of that virtuous minister; when he talked of sparing his character, by not drawing a comparison between his conduct on a former occasion, and that of the honourable gentleman himself now, it was barely possible to listen to him with patience and moderation. Mr. Perceval had undertaken to superintend a book containing the evidence in the case of the Princess of Wales, for her royal highness; and if as her advocate he had omitted any passages, to what would he have exposed her and himself? To the charge of having omitted and withheld parts of the testimony, and thereby invalidated the whole. He believed that this was the first time the mention of immorality had ever been connected with the name of Perceval, or that he had been accused of disregard to the decencies of life, who had been so eminent an example of respect to them all. But did the honourable gentleman mean to say, that as the Princess of Wales's counsel, in an appeal she was about to make to the public, he had any choice in altering or abridging the evidence on which that appeal was founded? And what was the letter which had been called "threatening?" It was written upon the supposition, that by her exclusion from court being enforced, a sanction would be conferred not only upon the charge of levity, but upon the more serious accusations which had been brought against the Princess—that she ought not to acquiesce in this ignominy, but afford the public an opportunity of judging of her conduct. Ought Mr. Perceval, in this case, to have garbled the evidence? Even the honourable gentleman, with all his predilection for garbling, would scarcely say that ought to have been done. If a line had been suppressed, the argument would have been against the Princess. He deeply deplored that her royal highness had not such advisers now as she had at that time. It would have been well for her and for the public; and her defence would not have fallen into such injudicious hands as into those of the honourable gentleman this night. It was truly said,

> An open foe may prove a curse,
> But an imprudent friend is worse.

(*a laugh from the opposition bench*). He was glad to see the honourable gentleman so jocose now. He had tried to be very pathetic in his speech, almost tempting him (Mr. Stephen) to take out his handkerchief, and to beguile himself with the idea that there was really a tear in the honourable gentleman's eye. His present merriment proved this to be a mistake. Not being pathetic, he might be allowed to say, the long inflammatory argument of the honourable gentleman had turned entirely on this, that the Princess of Wales had not now a full acquittal. He was not satisfied with the acquittal of the Grenville cabinet; with that of the Portland cabinet; with that of the great and revered body who had lately investigated the matter; but, out of regard to her royal highness, would set all afloat again. This knight of the lanthorn, who stood forward to defy all accusers of the Princess; what was the lance he broke? a tilt at, and prosecution of certain morning papers. What, then, was it by this he was to prove the Princess of Wales guilty or innocent? The honourable gentleman had undertaken a heavy responsibility by reading the paper relative to Mrs. Lisle's evidence—that paper from which he had drawn accusations against four noble Lords, and the learned gentleman now in his place, (Sir S. Romilly, who had come in)—accusations which, if true, proved that they had acted in a manner highly perfidious to the trust reposed in them, and dishonourable to men in any rank in life. For what was the charge? That they had put words into the mouths of witnesses which they had never used, and extracted evidence by means of questions improper for a judge to put, and which would not have been permitted if the parties had had any legal advisers with them. If these were so, these noble Lords were more reprehensible than he had words to express. But he doubted the honourable gentleman's information. He ridiculed the knight-errantry of the honourable gentleman, which, instead of procuring the evidence to be revised, was evaporated in an attack upon two editors. As for that conciliation which, he said, belonged to the letter he had written for the Princess, and read to the House, he (Mr. Stephen) did not see all that conciliatory temper in it. To him it looked more like a triumph on what had passed in that House. But he gladly relinquished the subject, having fulfilled the object for which he rose, to vindicate from the aspersion of want of a reconciliatory spirit between man and

wife, in Mr. Perceval, who was himself an ornament to the conjugal state.

Sir Samuel Romilly having entered the House, rose and said, he was informed a statement had been made since he quitted the House, which he was compelled to do from urgent professional avocation, that very nearly concerned himself. He did not impute it to any want of candour on the part of his honourable friend, that such a statement took place in his absence; and he was extremely sorry it was not possible for him, at that moment, to give the explanation that might be wished. The House would have in its recollection, that he stated on a former evening he had been present at all the examinations but one, on which day he did not receive the notice time enough to attend. It unfortunately happened that day was the last one; it was the third of July; and on that day Mrs. Lisle's examination took place. He was sorry it so occurred, not only for himself, but for the noble Lords whose conduct had been questioned. But he could say, that unless the examination on that day differed from all former days, it was impossible that the statement put into the hands of his honourable friend could be correct. The witnesses were uniformly examined by the two law Lords, Erskine and Ellenborough; the questions were never in any instance taken down; only the answers; in the same way as was always done, he believed, when depositions were made before a magistrate. The information was then read over before the witnesses, who altered and corrected whatever they thought required it, after which they signed the whole. That course had been regularly pursued; he had himself taken down the evidence; never asking any questions himself, nor suggesting any; and if he were upon his oath, (though he believed it was hardly necessary to say so) (*hear, hear!*) he would affirm that the answers were taken down precisely as they were given. Some of the witnesses, after their depositions had been read to them, requested to read them themselves, which they did, and sometimes made alterations, which alterations would be found as they were made in the originals, for no fair copies were ever made of them. Unless, therefore, quite a different course was pursued on the last day to what had been adopted on any other day, the evidence on that day would be found as taken down in the hand-writing of one of the four Lords. The paper that had been given to his

honourable friend could not be correct, unless a total change in the mode of recording the evidence had been introduced on the last day; and if so, then there was a possibility that he had not been imposed upon; but if no such change had taken place, then he must have been imposed upon. The examinations had been taken with the utmost impartiality, and rather (according to the impression on his mind) with a leaning to find the Princess innocent than guilty.

Mr. John Smith thought that a species of disgrace attached to all of those who did not use every means in their power to suppress these scandalous publications. Did not every one wish to hide them from his family, and from his servants? From the known character and sentiments of the honourable and learned member, (Mr. Stephen) he expected that he would have been clamorous against them; but, somehow or other, it so happened that his morality always *chimed-in* with the directions of ministers. He was no friend to prosecutions for libels, but this was one of those cases in which a public vindication of the illustrious personage who had been so atrociously aspersed would be gratifying to the feelings of the country. The public feeling was strong on this subject, and that feeling ought never to be despised.

Mr. Lascelles wished to learn in what sense the publishing the depositions in council could be called a libel. He expected nothing less, when he came to the House to-night, *than* to hear a motion made either to bring her royal highness the Princess of Wales to a trial, or to indict Lady Douglas for perjury. He was astonished when he found this important proceeding brought so low, as to end in the prosecution of a printer of a newspaper. For himself, he really conceived that great forbearance had been shown by the editors of newspapers. These depositions were understood to have been for some time in their hands, and the indiscreet and unreserved publicity which had now been given to them, was to be attributed chiefly to the first original paper (the letter of the Princess), which had been communicated to the world.

Sir T. Plomer stated that the ground on which he and his excellent friend, now no more, in concert with Lord Eldon, had advised the letter of the Princess to the King, in 1807, which had been made the subject of so pointed an attack, was briefly this, that after what had passed, some step was necessary to the vindication of her conduct and

character; that if she had remained silent under charges tending to affect her life as well as honour, if she had remained excluded from the royal presence, the most injurious conclusions would have been drawn. She must have been considered as a stigmatized person. The only question therefore was, whether, to obviate this imputation, the public ought not to be put in possession of the true state of the case, of the whole of the evidence, and whether that which had been a secret, ought not to be made a public trial? Whether in this opinion they were right or not, was a distinct consideration, but the sincerity of their intention could hardly be suspected. It could not be supposed that they had any design to calumniate or traduce the Princess; and as it certainly was not his intention, or that of his colleagues, in publishing the evidence, to traduce the Princess, he could not attribute any such motive to those who had authorised the publication of that evidence at present. From the moment, however, that the Princess had been received into the royal presence, from that moment they abandoned their design; and so inviolable a secrecy was preserved, and such a system of precaution was adopted, that he had not himself any document of the evidence, either printed or in manuscript, in his possession; and in all probability the same silence would have been still preserved, if it had not been for the fatal and imprudent step which had led to all the subsequent disclosures. Sir T. Plomer concluded by repeating, that he thought no guilt, no intention of libel, attached to those who had recently published the depositions in council. If so, they, the legal advisers of the Princess, would have been implicated in the same guilt; nay, it might be doubted, whether the Princess might not have intended the publication of the very same evidence as a libel against herself.

Mr. Tierney rose to animadvert on the first part of the speech of the honourable and learned member who had just sat down, which contained the most complete justification of the motion of his honourable friend. They, the advisers and friends of the Princess of Wales, had brought forward this publication of The Book as necessary to screen her from the inferences from the secret inquiry. He should be glad to know how that necessity was less now than formerly? A secret inquiry had been carried on in 1806, it was necessary to do something to screen her from the consequences, if the surmises which would naturally follow remained un-

contradicted; a secret inquiry was, it seemed, going on now; and was nothing to be done at present for her vindication? The two cases were perfectly parallel; the argument went on all fours. He should not now examine into the manner in which the evidence had been suppressed, and so studiously suppressed, that large sums of money had been offered for a copy of the work. It had been said that the Princess was desirous to have it suppressed; he believed that others had suppressed it for her. But to concede this point for the sake of the argument: it was inferred, because she was received at court, this set every thing right; she was upon the footing of any other person; there was an end to the question; The Book was no longer of any value. But is she now received at court? Is she now in the situation of every other person? So far from it, that she is not even allowed the intercourse of her own daughter. If this had been known at the time, that she would be received at court, but was to be debarred from the society of her child, would she then have been willing to suppress the evidence? Would she not have thought some farther vindication necessary? Nothing new had happened since that period; no new accusations had been hatched; and he could not comprehend how, standing in precisely the same situation as she did, when the learned gentleman took his station at the bookseller's door, ready to give his publication to the world, in vindication of the Princess's honour, how that learned gentleman, the former adviser and advocate of her royal highness, could withhold his assent from a motion calculated to vindicate her honour. No one felt more strongly than he did the disagreeable nature of the duty imposed upon them, but matters were come to a crisis, and something must be done, sooner or later, to meet that crisis. If the noble Lord over the way would state, as he had been pressed to do, that any measures were taking to come to a decision one way or the other, to give the House and the country satisfaction; he wished the noble Lord would attend to him, because he had professed himself ready to give an answer if any one would give him a reason for so doing. If he would only assure him that any such measure was in agitation, he should not hear one word more from him on the subject; he would close his lips, and await the result in silence. All he insisted on was, that they ought not to remain in their present situation. He could discern by no gesture or look of the noble Lord,

whether they were to remain in that situation or not. But waving this question, he wished to know by what authority Mr. Conant had called for the evidence of any person on the subject; why the privy council, being still in full vigour, if not abounding in wisdom, he (Mr. Conant) should undertake to meddle with matters of state? It had been said by the learned gentleman, that the Princess of Wales could not intend by the documents which were published to criminate herself. True; but he wished to know who were the recriminating party. These, he believed, were those of his Majesty's ministry, who were not satisfied of the innocence of her royal highness, who were not quite sincere in their professions on that point, and who published these documents with very different motives from those which had actuated the learned gentleman and his colleagues in 1807. He did not understand what the opinion or declaration of the noble Lord on this subject was on the first night he had spoken on it, nor on the second night he had spoken on it. There was some difference between the two, but he could not tell what. On the first night he seemed to incline to a complete acquittal, on the second he either retracted that opinion, or qualified it in a very ambiguous manner. Indeed, he was not singular in the misfortune of not always understanding that noble person; those who were nearer to him, and who heard him more distinctly, did not seem to know what they were to think. Mr. Stephen had even gone so far as to declare, that there was not one dissentient voice as to the complete innocence of her royal highness. But the practical result might be expressed thus, "Madam, we have not been able to prove you guilty, and therefore we are compelled to consider you as innocent." When a person of her rank was so treated, so tantalized with a mockery of justice, would any one say that it was not competent for that House to interfere, to urge the privy council to a more explicit decision, to urge the executive government to give effect to that decision? The Princess had appealed to the House of Commons for redress, and surely the nature of that House was much changed, if when a secret investigation was again set on foot; if when witnesses were again privately examined, who had been publicly declared perjured, they could not interfere effectually for that purpose, not by exercising jurisdiction themselves, but by remonstrating against the abuse of it in others; by not suffering the government any

longer to trifle with the feelings of her royal highness or the public. This was a privilege which they could always exercise in the case of the meanest individual, brought before any tribunal in this country. But on the supposition of the Princess being brought to a regular trial by her peers, the effect of these publications was to prejudge her in the eye of the public, to supersede the authority of the minute of council, and to revive all the old absurd gossipping charges which had been exploded. He did not pretend to speak from his own knowledge, but there were strange rumours afloat. His royal highness might have bad advisers; he suspected he had bad advisers. He would suppose that he knew the person who advised the publication in question, and that the House knew him, would there be a doubt that they would condemn him, that they would pass the severest censure on his conduct. But till they did know who the person was, they must *prima facie* charge this measure on the ministers. If it was not their doing, had they no suspicion, no means of ascertaining who was the real author? People talked of conspiracies, of a conspiracy between the Douglasses; but there might be conspiracies and collusion elsewhere. If the ministers were accessary to this act, there were no terms of execration strong enough to express his abhorrence of their conduct. If they will publish their own case, let them publish a case which they believe, not one which they have over and over again declared to be false, malicious, and unfounded; if they will appeal to evidence, let them not appeal to that which they themselves declare to be perjured and degraded evidence, nor consider this as a necessary set-off against the verdict of acquittal pronounced by the privy council. With these floating rumours, with these contradictory opinions, with all these whisperings and conspiracies, and secret examinations, the character of the whole of the royal family was falling into contempt, and nobody could tell where it would end. Mr. Tierney was not for prosecuting the printers of the papers, but thought that they ought to be called to the bar of the House, to answer by whose authority they had published the depositions before the privy council, and from whom they had received them. He should move this as an amendment to his honourable friend's motion, if he were encouraged by the House. (*a cry of move, move!*)

Mr. Whitbread said, he should not object to withdraw his motion, to make room for the amendment.

Mr. Tierney then moved, that the printer and publisher of the Morning Herald, and he afterwards added, of the Morning Post, should be called to the bar of the House to-morrow, to answer to these questions.

The amendment having been put,

Mr. Ryder rose and declared, that the proposed amendment was more preposterous and absurd than the original motion itself. How could they compel these persons to answer to any questions, or to give them any information on a publication which was admitted to be no libel at all? On this ground he should certainly vote against the amendment.

Mr. W. Wynne was much surprised that the right honourable gentleman should attempt to limit the authority of that House to inquire into a matter which touched the honour of the whole royal family. A deposition before the privy council, charging so high a personage with the highest crime, was surely a fit subject for inquiry by that House. Proceedings which gave rise to a disclosure more indecent than the account of any trial that had ever been published—(and were such circumstances disclosed at a trial, the judge would direct the short-hand writer to give up his minutes, and would direct that no account should be given to the world)—were surely fit subjects for inquiry in that House. He should vote for the motion, not on the views of the honourable mover: he did not wish to interfere in the unfortunate quarrel: he wished that the authority of that House should be exerted to prevent further disclosures. He feared that there was ground of apprehension that all were not yet published.

Mr. Canning, when this subject had been before submitted to the House, had expressed that he felt the greatest pain, and those feelings were not at all diminished by his disappointment in being again called upon to discuss any thing connected with the present subject. The object he had in view, was to consider how this question could be most advantageously disposed of; the motion last made had occurred to him; he had deliberated on it much; and upon as mature a consideration as the time had allowed, and upon the most impartial view he could take, he considered it as less objectionable than either of the other motions

which had been submitted to the House, but he would wish that one more chance for conciliation were given by rejecting the present motion. All persons were of one mind as to the mischievous effects on the public mind by the prolongation of those discussions. He did not mean to impute the smallest blame to the honourable mover; he bore his testimony to the manner, ability, and temper, displayed by him on every subject he had urged that night. It was a matter in which, not only honestly, but with the best views, men might differ. He would agree, that the atrocious publication called for censure; but he hoped, the honourable member would forgive him, if still he thought it expedient for all parties, for that which would quiet the agitation of the public and the country, that if possible the House should go through this trying crisis without taking any step. But the patience of that House might be pushed too far, and even those who were at present the most unwilling, might feel it an imperious inevitable duty, if there should be a prolongation of the discussion out of doors, and an end should not be put to the public anxiety, as to whether any proceedings were going on with a view to a farther investigation of the Princess of Wales's conduct, to originate some proceeding in that House. As far as he was concerned, the minutes of the council in 1807 were a perfect acquittal. If any proceedings were instituted with a view to a further investigation, and if such proceedings were avowed, it was the duty of that House to abstain from all discussion on the subject as long as such proceedings were stated to exist. The House ought not to take any step without the most mature deliberation. If the printer should be called, no man could say to what it might extend: the object might be defeated by the contumacy of the individual; other gentlemen might call other printers, and the House might find itself involved in almost impenetrable proceedings. However, the patience of the House must at length be exhausted, unless all parties should take a warning from the feeling expressed by the House, and a period should be put to that agitation which at present inflamed the public mind. A degree of responsibility had been stated to attach on all who were members of the cabinet of the Duke of Portland; and he must confess, that the guilt of the printers was much extenuated by a prior publication. But he, individually, had been consistent: in 1807, he had raised his voice in the language of entreaty, of supplication, against

the printing of the proceedings by his right honourable friend, in the vain hope of being afterwards able to suppress them—the vainest hope he stated to him that ever man entertained. Even the sacredness of private friendship gives way on such occasions, as was instanced in the case of a remarkable pamphlet of Lord Bolingbroke's, which had been committed by him to Pope to have printed, with strict injunctions to destroy all but one copy: but on the death of Pope, 1500 were found in his closet. Before that discovery, no person could have supposed that Pope would have betrayed his trust to his dearest friend. When The Book was printed, he received a copy for his private perusal, as did all the other members of the cabinet. On the receipt of it, he wrote a note to his right honourable friend to the following effect:—"I have received your book. I am sorry it is printed. I feel assured that it will get into publication; and that it may not be supposed it happened through my copy, I now return it without breaking the seal." Such was the right honourable gentleman's opinion of the danger and mischief of the publication. He considered the minute of 1807 as a complete acquittal, and not a technical distinction. As far as could appear from *ex parte* evidence, her innocence from all crime was completely acknowledged. He was not the man to say that the House ought to interfere with the rights of the husband and of the father; these were merely domestic arrangements. Viewing the situation in which the matter stood, he was of opinion that every chance for conciliation had not been given. Had he been in the councils of the Prince of Wales when he became Regent, without restrictions, he should have exercised himself, not in the vain endeavour to do away dislikes (*hear, hear!*), but to bring about such an arrangement as would not shock the public. (*hear, hear!*) Any person who would have tried, would not, he thought, have found it impracticable: he hoped it had been attempted. It had been stated, that the exalted female, living in retirement, without any of the insignia of royalty, had fallen into the hands of bad advisers. He should like to know whether she had the choice of those who ought to have been her advisers. He should like to know whether there had been any thing like an agreement between the officers of the cabinet, to abstain from communication with the Princess of Wales. If there was such an agreement, it could not have been called for; it could not have been

gratifying to the Prince of Wales; it must have been gratuitous; his noble and generous mind could never have required it. Not only the Princess of Wales, but every branch of the royal family, has a right to the advice of the executive officers. If that advice was refused, on those officers lay the responsibility of the Princess having fallen into improper hands. The letter which was the origin of all those disclosures—for he must be allowed to say, that it was the origin—was, he feared, an insuperable difficulty to conciliation. Until this night he was ignorant, that that letter was written in consequence of a renewed investigation. But whatever he might think of the prudence of writing such a letter, yet, as coming from her, it was fit it should be read and answered, if there were the means of answering. That canting paragraph, as to confirmation, as it had been called by a noble Lord, if it were not obtruded for the first time, as a make-weight in argument, as a flower of rhetoric, was important. Had it been answered immediately, instead of by the minute through the hands of Lord Sidmouth, there might have been a chance of preventing the appeal to the public. Of that letter he would not now speak with acrimony. Of the disclosure of those examinations, which were daily poisoning the minds of the present generation, and likely to taint generations to come, he could not sufficiently express his abhorrence. That person must be dead to all the duties of a man, who could think of making this unfortunate business a means of political power. He would be unwilling to descry his Majesty's ministers, as through them they might hope that peace would be re-established, which was likely to be disturbed if the rumours were suffered to go abroad: and he hoped that House would be relieved from the necessity of discussing the business again, and the public prevented from renewing it daily.

Mr. Whitbread said, that such had been the tone and temper of the speech of the right honourable gentleman (Mr. Canning), it appeared to have diffused throughout the House a feeling so desirable, that he would not take off from its expression by indulging himself in any reply to the various animadversions which had been made upon his conduct in the course of the debate; although he flattered himself he could have replied to some of the speakers, and particularly to the learned gentleman who had been so pointed in his defence of his deceased friend, with some severity and effect. But the conduct of the right honour-

able gentleman (Mr. Canning) had been so plain, manly, and judicious, his authority, from the situation he held in the cabinet of the year 1807, so great, and his verdict of acquittal so unequivocal and complete, that it would be injuring the cause he had espoused, if he were to say any thing more than was necessary to his own immediate vindication. Much had been said on the nature of his motion. He acknowledged it to be not only such as he was not desirous of making, but such as he could have wished to have avoided. But this was one of those extreme cases, where extraordinary steps were not only justifiable, but necessary. He had intended to move for the prosecution of Lady Douglas; that course, he was told by his learned friends, was inexpedient, if not impracticable. Perhaps it might be found impracticable, but, at all events, it was inexpedient; because, if the matter could be brought to trial, it might be impossible, from technical reasons, to obtain a verdict, although the guilt of the party accused might be incontrovertible. Then the situation of the Princess of Wales would certainly be rendered worse, although her innocence would not be impeached. In these circumstances he had yielded to the opinions of his honourable friends, and had adopted the course which had been recommended by them, not with a view to the punishment of any particular persons, but to obtain that end to which his right honourable friend (Mr. Tierney) had chalked out a shorter course, to make room for which he had withdrawn his own motion. He was quite insensible to the paltry, petty, foolish reproving of his opponent upon his attack upon the liberty of the press, and such like stuff; and he was really glad to have afforded to the noble Lord (Castlereagh) thereby his only resting place: when he got off that, he was floundering and flinging about in a very disastrous manner. Upon the subject of a paper of which he had read parts, purporting to be the examination of Mrs Lisle, he begged permission to state, that having seen his learned friend (Sir Samuel Romilly) in the act of bringing up a bill just before he rose to address the House, and having, as he believed, seen him in his place after he had begun to speak, he had no conception he was speaking in his absence. The paper itself had not been communicated to him sufficiently in time for him to have made known its contents to the noble persons whom it concerned. The printed paper, said to be the deposition of Mrs. Lisle, might or might not be correct—

he had it only from the newspapers. Such as it was, however, it had made an impression on the public which he thought unwarranted; and believing the questions and answers stated to have been correctly given in the paper placed in his hands, upon the assurance of the person who had so placed it, he should have deemed himself unjustifiable in withholding it, and worst of all, upon the ground of the noble Lords in question being all of them persons for whom he had high personal respect. He was bound to deal with them as with the most determined political opponents, in such a case. If, however, it should hereafter be proved to him that he had been imposed upon, he would as frankly and publicly acknowledge the imposture so practised upon him, as he had read and commented upon the paper itself. Respecting the proceedings of that night, he was again placed in a situation to make it unnecessary for him to take the sense of the House. The Princess of Wales had been declared innocent by general consent. The right honourable gentleman (Mr. Canning) had consistently, manfully, and unequivocally declared her to be so. The attorney-general had repeated his declaration of her innocence. The learned gentleman (Mr. Stephen) had said there could not be two opinions on the subject. The noble Lord, with all change of phrase, had not retracted his former assertions respecting the witnesses, nor had he taken any thing from the value of his testimony to her complete innocence. No one had risen to accuse, or give an opinion in the smallest degree differing from those strong individual verdicts in her favour. In these circumstances he should not take the sense of the House; he had rather rest upon the general feeling, and if he were to presume to advise her royal highness, it would be henceforward to despise all the publications which might be issued against her—to defy all secret inquiry, and to act as if she were not conscious of the existence of either—to come forth in the way in which she was accustomed, and which her circumstances enabled her to appear, without ostentation, but with the satisfaction of knowing that the sun shone upon a woman innocent, and acknowledged to be so. He reverted to the circumstance of the cordiality and kindness expressed towards her invariably by the King, after the inquiry, and up to the last moment of his mental existence; his visit to Montague House, on the arrival of the Duchess of Brunswick, and subsequent, and the unaltered affection of his manner. He again said, the moment

of reconciliation could never be deemed passed, and expressed an earnest wish, for the sake of the parties, the throne, and the nation, that steps be taken to put an end to this dreadful national calamity, as it had now become. He was sure, on one side, that prudent advice would be listened to, if any opening might be expected for its operation. For his own part, unless some circumstances, novel and unexpected, should arise, he should never more move on the subject in Parliament; and to the necessity of making the motion he had done, he was reduced by the conduct of the noble Lord. Had the noble Lord answered in the negative, that no inquiries were going on, he should have been content. Had he answered in the affirmative, it would have been proper to have waited for the result of those inquiries. His mysterious and inexorable silence had rendered the proceedings of that night indispensible.

The motion was put and negatived.

HOUSE OF COMMONS.

THURSDAY, MARCH 18.

Mr. Cochrane Johnstone gave notice, that on Wednesday next he should call the attention of the House to the petition of Lady Douglas.

An inquiry having been made, from the opposition bench, whether the chancellor of the exchequer would tomorrow bring forward the consideration of his resolutions of finance, which stood for that day, Lord Castlereagh observed that he feared his right honourable friend would not be sufficiently re-established in health; he therefore moved the postponement of the subject until Tuesday next.

Adjourned.

HOUSE OF LORDS.

FRIDAY, MARCH 19.

CATHOLICS.

The Duke of Cumberland presented a petition from the citizens of Dublin against the catholic claims.

The Earl of Donoughmore rose to present a variety of petitions in behalf of a numerous and most respectable body

of his Majesty's subjects, who had so often complained, and still continued to complain, respecting the degraded condition in which they felt themselves placed, yet who, notwithstanding that degradation, were anxious to renew their acknowledgments of the important benefits which they had received during the progress of his Majesty's benignant reign, and to express their undiminished confidence in the justice and wisdom of Parliament for securing, extending, and completing those benefits. The language, he trusted, in which all the petitions were conveyed, would be found loyal and temperate. That from Roscommon was peculiarly impressive. With respect to signatures, it had not been his wish, nor that of the catholics, that they should make, in the face of their protestant brethren and friends, a display of their superior numbers; and though one of them was subscribed by 14,000 names, they in general were cautious not to emulate in that particular. The zeal which united in a recent petition presented by the noble and learned Lord on the woolsack from certain parishes in London, contained 56,800 names. What the catholics of Ireland contended for would, perhaps, be generally more satisfactorily understood by his stating what they did not contend for. There was nothing ecclesiastical urged in the petitions as a ground of complaint or of demand. The object of the petitioners was merely the restitution of their civil rights, and to that object solely were directed the hopes and expectations of the whole body of the catholic gentlemen, clergy, and all other descriptions, whether mercantile, landed, or mechanical. The catholic clergy joined with the laity, not for ecclesiastical objects, but to commit and bind themselves by solemn oaths to support the protestant establishment. Knowing, as he did, those to be the only aim and object of the petitions, he was desirous to call the attention of the House to the subject the first convenient day. Before he concluded, he could not forbear from soliciting their Lordships' attention to the mild and temperate language employed by the catholics at the last meeting of their board in Dublin. [Here his Lordship read the resolutions, of which our readers are already in possession.] His Lordship then presented five several petitions, praying for a repeal of the restrictive statutes operating against the catholics, namely, 1st, a general petition from all the Roman catholics of Ireland; 2dly, from the county and city of Cork; 3dly, from the county of Ros-

common; 4thly, from the county of Tipperary; 5thly, from the county of Clare. His Lordship was aware of the informality of one of the petitions (that from the county and city of Cork), which, after a short observation from the lord chancellor, was received under that correction.

Earl Stanhope presented a petition of a similar tendency from Ballinakill, in the Queen's county. His Lordship deeply regretted the misunderstanding which had gone abroad respecting the catholics, for to misunderstanding alone he could ascribe the difference which subsisted between catholic and protestant. There was no protestant, the most violent that he had met with, who seriously considered transubstantiation as a bar between catholics and the enjoyment of all civil offices. To a recently formed protestant society, called the Protestant Union, he ascribed the highest honour for humane and liberal intention, and particularly for the active and efficient part which, with Mr. Granville Sharp at their head, they had taken in the measure of the abolition of the slave trade: but he thought them lamentably mistaken on the subject in question. The answer returned to the questions proposed to the catholics in 1789, he thought a satisfactory and final answer to all objections. But the main source of the misunderstanding which prevailed, was in the confounding the terms catholic and papist, terms at present essentially different; the former being harmless, and the latter (if indeed there were any persons of the latter description) only mischievous or dangerous. But there were really no such persons at present existing, except in the imaginations of some well-meaning but mistaken followers of the late respectable John Wesley and a few others. In short, persuaded that papists only were dangerous, and not simple catholics, he should move, not, as he lately had occasion to remark of a petition, that it might *lie* on the table, but that he might *lay* it there, which was ordered.

NAVAL ADMINISTRATION.

Lord Darnley, adverting to the recent capture of another British frigate (the Java) by the Americans, gave notice of his intention, soon to bring forward a motion on the subject of the naval administration, which, in his opinion, loudly demanded inquiry.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, MARCH 19.

The business in the House of Commons this day, was mere matters of form.

HOUSE OF LORDS.

MONDAY, MARCH 22.

CATHOLICS OF ENGLAND.

Earl Grey said, he held in his hand a petition from that most respectable body of men, the catholics of England, praying to be relieved from the disabilities which still pressed heavily upon them. He had first been entrusted with a similar petition in 1810, and had since that presented petitions to the same effect from the same body, praying not merely to be relieved from those disabilities which pressed upon them in common with his Majesty's catholic subjects in Ireland, but also from those penalties under which they were peculiarly suffering. Though disappointed on former occasions in obtaining the justice they sought for, they still continued the same patient and loyal individuals, for of no body of men could it be said that they were more loyal or faithful subjects. They had persevered in respectfully calling the attention of the House to their situation, and he rejoiced that he was now enabled to present their petition, with a hope that did not before attach to it, arising from the recent proceedings in the House of Commons. He trusted that the measure thus happily commenced would lead to an ultimate satisfactory adjustment of those claims. He was happy to bear testimony to the disposition of the catholics of England, in common with those of Ireland, to meet the advance made by the legislature in the true spirit of conciliation. From the resolution passed by the former at a meeting on Saturday last, (which his Lordship read), Lord Clifford in the chair, moved by Lord Shrewsbury, and seconded by Lord Arundel, it would be seen that they expressly desired, not to receive any privileges which were not perfectly consistent with the good wishes of their protestant brethren—the safety of the protestant succession, and of the established church. He dwelt upon this with the more

pleasure, as in conjunction with the resolution passed by the catholic body of Ireland, they put an end to those misrepresentations and misconceptions which had been sent forth respecting the opinions and views of the catholics. He rejoiced also to observe, that they expressed a desire that all persons, of whatever religious persuasion, should participate in the advantages conferred in the removal of all disabilities on account of religious opinions; and he trusted that such a measure would accompany, or at least soon follow, the concession of the catholic claims. The petitioners, whilst they claimed the removal of those general exclusions which equally applied to all his Majesty's Roman catholic subjects, urged the justice of at least placing them upon an equal footing, in point of advantages, with their catholic fellow-subjects in Ireland. He was not disposed to follow up the petition with any notice of any ulterior proposition, for the same reason as that urged by his noble friend (Lord Donoughmore) on a former evening, the subject being now under discussion in the House of Commons. He trusted that the progress of that measure would be marked by a liberal spirit of concession to the catholics. He thought that if the question had been taken up by government, it would have been more likely to end in a satisfactory adjustment. He still trusted that government would be aware that true policy called upon them to make up their minds upon the subject, and take a decided line of conduct. He was aware of their dissensions upon this point, but surely the crisis required them to act; and if they could not come to any determination, there was but one course left to them as honest men to pursue. The petition (which his Lordship stated to be signed by 7000 persons) was read, and ordered to lie on the table.

THE PRINCESS OF WALES.

Lord Ellenborough rose and addressed the House in the following terms:

My Lords—Various considerations have at different moments operated upon my mind to induce me to forbear the execution of a task, which now, after the most mature and deliberate consideration, I am compelled to perform, as a duty I owe to my own character and honour, as well as to the character and honour of those who were joined with me in a most important investigation. The first of those considerations was a consciousness of rectitude, I hope not

presumptuously indulged, which made me backward in noticing the slanderous productions recently circulated against the conduct of individuals employed in situations of the highest trust. To have betrayed an anxious irritability of feeling, would have appeared to imply an acknowledgment of imperfection among those who have faithfully discharged an arduous and painful duty. There are cases where a sufficient vindication might be found in the candid judgment of mankind, where opportunities of forming an opinion, not very erroneous, are afforded to the public; such, however, is not the situation of the individual who now addresses your Lordships, and where the exculpation rests solely in the hands of the person accused, it becomes him, on the credit of the esteem and respect with which his assertion has been hitherto received, to employ that assertion, given in a manner the most solemn and impressive, for his own vindication. Next to that consideration, or perhaps more prominent than the preceding, was the extreme unwillingness that pressed upon my mind to advert to any subject so nearly connected with the oath of a privy counsellor, which nothing on earth should even induce me to violate—connected also with this oath, was the discharge of a most delicate and important duty, which no irritation, no sense of private and personal injury, not even the cruel necessity of self-preservation, should ever allow me to forget. It shall not be forgotten—it shall not be sacrificed—and in what falls from my lips to-night, no interest of the state, no character deserving respect or admiration, shall suffer the *slightest* injury. But in as much as we are now placed in a situation in which we must be condemned, if we do not claim a hearing for our exculpation, I trust that I shall be allowed to trespass shortly upon the time of the House, while I attempt to vindicate myself and my noble colleagues from the most foul and unfounded calumny that the most degraded and malignant accuser could invent against us. Your Lordships need scarcely be reminded, that a few years since his Majesty was pleased to issue a commission respecting a subject which it is unnecessary for me to name: in that commission I found my name included, but the subject of inquiry, the intention to issue the commission, and the commission itself, were all profound secrets to me, until I was called upon to discharge the high and sacred duty that upon me was thus imposed. I felt that much was due to this command, and it was accompanied with

some inward satisfaction that the integrity and zeal with which I had endeavoured to discharge my public functions, had made a favourable impression upon the mind of my sovereign; notwithstanding, the mode in which this command was obeyed, has been made the subject of the most unprincipled and abandoned slanders. It has been said, that after the testimony had been taken in a case, where the most important interests were involved, the persons entrusted had thought fit to fabricate an unauthorised document, purporting to relate what was not given, and to suppress what was given in evidence. My Lords, I assert that the accusation is as false as hell in every part! What is there, let me ask, in the transactions of my past life; what is there in the general complexion of my conduct, since the commencement of my public career, that should induce any man to venture on an assertion so audacious? That it is destitute of all foundation would, I trust, be believed, even without my contradiction; but where it originated, or how it was circulated, I know not. I will not trench on the decorum that ought to be observed in the proceedings of this House, further than, in such a case, is necessary, but I will give the lie to such infamous falsehood, and I will, to the last hour of my existence, maintain the truth of that which I know to be founded in fact. It occurred to me, my Lords, that in order to facilitate the proceedings, and at the same time to conduct them with the secrecy that was so important, it would be fit to select a person, in whom especial confidence might be reposed, for the purpose of recording the examinations, by taking down the evidence from the mouth of the witnesses in the most correct form. I thought that both the secrecy and accuracy required would be best consulted and secured by appointing an honourable gentleman, who then held the office of solicitor-general, Sir Samuel Romilly. On every occasion when testimony was given, with only one exception, we had the benefit of his presence; but on that single occasion, whether it was that the commissioners found themselves at leisure to proceed, or whether they were unwilling that the witnesses should be called upon unnecessarily to attend again, I do not exactly remember, but it so happened, that we determined to pursue our inquiries without his aid, for a messenger who had been dispatched for Sir Samuel Romilly, returned with information that he could not be found. It then occurred to my noble colleagues, and to myself, that

we could take down the evidence ourselves, and as I was in the particular habit of recording testimony (discharging, I believe, twice as much of that duty as any other individual in the kingdom), it was resolved that on that evening I should hold the pen. I complied: and I declare, and make the most solemn asseveration (which I should be happy, were it possible, to confirm and verify under the sacred sanction of an oath), that the examination, that evening taken down by me, proceeded, in every part, from the mouth of the witness: that the testimony, at its termination, was read over to the witness; that the witness herself read and subscribed her name to the concluding sheet, as she had previously affixed her initials to that on which the evidence was commenced. Were I to advert to the terms in which that evidence was couched, I fear that I should be trenching upon the terms of the oath by which my duty is bound; but thus much I may say, upon the character of the paper (which I wish could be laid before the House without provoking a discussion, or leading to improper disclosures, that I would not for a thousand reasons have promulgated), that if it could be inspected, the strongest internal evidence would be found upon its face, to show that it was a genuine production, as taken from the mouth of the witness; if it could be consulted, many interlineations would be noticed, qualifying and altering the text according to the wish of the witness, and every individual reading it with the application of common sense, would find that these alterations could only have been made at the time the person was under examination. I do not think that I bestow upon myself too great a share of praise, when I say that I may take credit to myself at least for accuracy in details of this kind, and I will venture to maintain, that there is not, in the original document, one word which was not uttered, approved, and signed, after the most deliberate consideration by the witness. My Lords, if I could be guilty of the negligence, or rather the wickedness imputed, are my noble colleagues and friends so negligent or so wicked, as to connive at a crime of such unparalleled enormity? I am not aware that a syllable that the witness wished to add was omitted, and I speak from the most perfect recollection, and the most decided conviction, when I say that the minutes made by me contained the whole of the evidence, and nothing but the evidence, of the person then under examination. I am not in the habit of making

complaints against publications, but if in any case it were necessary, it would be more peculiarly so in the present, where I am charged with a crime not only inconsistent with the functions of the high office I hold, but inconsistent with the integrity that, as a man, I should possess. Surely, for myself and my noble friends, I may be allowed to insist that we anxiously and faithfully discharged a public duty, and I hope, in the face of the House and of the country, we shall stand clear of this most base and miscreant imputation. I have heard it said, but the charge can only originate in the grossest stupidity, that we, as commissioners, misbehaved ourselves in various respects. Folly, my Lords, has said, that in examining the witnesses we put leading questions. The accusation is ridiculous: it is almost too absurd to deserve notice. In the first place, admitting the fact, can it be objected to a judge that he puts leading questions? Can it be objected to persons in the situation of the commissioners that they put leading questions? I have always understood, after some little experience, that the meaning of a leading question was this, and this only—that the judge restrains an advocate, who produces a witness on one particular side of a question, and who may be supposed to have a leaning to that side of the question, from putting such interrogatories as may operate as an instruction to that witness how he is to reply to favour the party for whom he is adduced. The counsel on the other side, however, may put what questions he pleases, and frame them as best suits his purpose, because then the rule is changed, for there is no danger that the witness will be too complying. But even in a case where evidence is brought forward to support a particular fact, if the witness is obviously adverse to the party calling him, then again the rule does not prevail, and the most leading interrogatories are allowed. But to say that the judge on the bench may not put what questons, and in what form, he pleases, can only originate in that dulness and stupidity which is the curse of the age. Folly says again that the testimony of the witness should have been recorded in question and answer. When, I ask, was it ever done—is there is a single instance of the kind—will the most grey-headed judicial character in the country show a solitary example of the kind? It is impossible; and undoubtedly the most convenient mode was for the witness to see his evidence in the unbroken narrative, without the interruption of questions

composed of words which he never employed: it is the language of the witness, and not of the interrogator, that is required. Such accusations are the offspring of a happy union of dulness and stupidity, aided by the most consummate impudence that was ever displayed. It would, I confess, be a great satisfaction to my mind, and to those of my noble colleagues, if we had any means, without violating sacred and indispensable obligations, of attesting the truth of these facts, but the nature of the inquiry forbids it; we cannot produce the evidence itself; I dare not give the explanation that would set the matter for ever at rest; and in the situation I hold, and under all the circumstances, it is impossible that the Prince Regent should be addressed that the original document might be laid before the House. My Lords, this malignant and unfounded charge—this base and nefarious calumny, is one of the worst symptoms of the times in which we live; it shows an indifference in the public mind as to truth and falsehood; it originates in malice, and is supported by ignorance; it is throwing firebrands in all directions, leaving those who are in danger from the flames to escape as well as they can, sometimes almost by a miracle. This, my Lords, is one of the most hazardous attempts, it is a cruel attack upon those who are unable to defend themselves: we have struggled, but I hope not in vain, to defeat the nefarious and horrible design. I feel that it is impossible to give the accusation a more positive denial. I have declared that it is *false from* the commencement to the conclusion, and I shall sit down ashamed that it has been necessary for me to say any thing: I feel almost ashamed that any vindication was required. I do not say that I am personally indifferent on a question of such undoubted magnitude, but if it regarded myself only, I could be well content to leave such degraded calumnies to their own refutation. I was called upon to discharge a public duty; that duty, I assert, I discharged faithfully: and that I took down the depositions fairly, fully, and honestly, I protest on my most solemn word and asseveration. I have spoken merely to vindicate myself and my noble colleagues, and that vindication, I trust, is complete: we only wish to stand well in the opinion of our country, as honest men who have faithfully discharged a great and painful public duty: and let it be recollected, that having no means of resorting to proof, we are com-

pelled to rest our exculpation on a flat, positive, and complete denial.

Lord Erskine.—After what has just been uttered by my noble friend, it is only necessary that I should trouble the House for a few moments, and that intrusion will be excused when it is recollected that my conduct has been equally the subject of animadversion and calumny. The arduous duty already adverted to, was cast upon me at a time when I had the honour of holding the first civil office in the kingdom; and the House and every reasonable man must acknowledge the importance that all magistrates, more especially those of the highest order, should not be unjustly calumniated and accused: I will venture to say, that the charge in question, is not only the most cruel trespass upon the character of an honest man, but it is the most false accusation that was ever urged against any individual. I should have hoped that my character as a man of honour and humanity; I should have hoped that my professional experience as a lawyer, would have been sufficient, in the public opinion, to have repelled this calumny, and to have rendered unnecessary the painful task I am now called upon to perform. I have no hesitation in saying, that what wounds my feelings most in this nefarious transaction, is the quarter from whence it proceeds; a quarter in which I believed I was entitled, for many reasons, to the utmost partiality and favour: but putting them out of the question, I trusted that I should have found credit at least for honesty and justice; that I should not have been accused of having tampered with a witness; and that I should have been thought innocent until my guilt was by evidence clearly established: here the presumption, contrary to the first principles of justice, seems to have been, not that a man is innocent, but that he is guilty. I have to complain, in common with my noble friend, who has so eloquently addressed the House, that even this justice is denied us: I have to complain that a forged document has been assumed to be authentic testimony, and that in order to answer base private purposes, the commissioners appointed by his Majesty had consented to the meanest practices of fraud and deception. To enter into the details, or indeed to notice any part of the proceedings, I am, like my noble friend, forbidden by my oath of office, and I dare not even attempt to show here, that every presumption was against the authenticity of the document said to have been by us suppressed.

As my noble friend well said, not only a false fact has been assumed, but an arbitrary rule, a rule restricting judges in the mode of interrogating witnesses, has been impudently endeavoured to be established, as the standard by which their conduct is to be measured. Of such a rule I will take upon myself to say, the law knows nothing; and were it adopted, it would shake the foundation of the security of liberty, of property, and even of life itself. But, my Lords, this is not all; we have been charged under the most extraordinary circumstances, because, not only from what we read, but from what we hear, it is evident that we are accused, not only of concealing that paper, which consists of questions and answers, but of forging and fabricating another document to answer the most unworthy designs; more than that, this supposed paper is made the foundation of grave and deliberate accusation, without the slightest communication upon the subject. Can there exist a more cruel calumny? Is it possible for human ingenuity to invent an accusation more injurious than that which is brought against me and my noble friends? We are unable now, excepting by assertions, to vindicate ourselves, but I hope that the time will come when this restraint upon our consciences will be removed; I have no desire more ardent than that every part of my conduct, on this solemn and trying occasion, should be made the subject of strict and impartial examination. As there is no immediate question before the House, I shall not detain it longer upon the present occasion, than to add my assertion, that the accusation in all its parts is void of foundation.

Lord Grenville.—My Lords, after what has been stated by my noble friends, I feel it utterly impossible to remain silent, but I must fairly confess that it is not without reluctance that I address you; it is not so much in conformity with my own feelings, as in deference to the judgment of others, that I have prevailed upon myself, even in the cruel situation in which I am placed, in conjunction with my noble friends, to utter a single word, remotely connected with a subject, which I fervently pray may never become a matter of discussion in this House. (*hear, hear!*) If any man can be so base as to harbour a thought to the prejudice of the proceedings of the commissioners, after what has just been uttered, I am willing to bear my full share of censure. I will not, because I cannot conscientiously, enter into explanations that designing people may be anxious to draw

from me. Whatever calumnies may be circulated, however weighty may be the imputations, I will fearlessly do my duty to the country, to the Parliament, and to the sovereign, and maintain an eternal silence upon the general topics of this question, firmly convinced that nothing more injurious to the nation could be attempted, than would be effected by lending the countenance and authority of this House to the wicked prevalence of discussions, which can lead only to public confusion and anarchy. (*hear, hear!*) Placed in the situation I now hold, I should reject with scorn and indignation any attempt to separate my case from that of my friends, and I cannot therefore remain totally silent; but I will endeavour to observe that line so properly kept by my noble colleagues, and though I may make a few remarks upon the conduct of the business, not a word shall escape me upon the business itself. I might, I think, not ineffectually call your attention to the situation of men, who thus in fetters are called upon to plead their cause; your humanity, and your law founded upon that humanity, demand that from the meanest criminal in such a situation his bonds shall be removed. Where then is the justice of this proceeding, where the accused are placed at the bar of their country in chains that prevent them from vindicating their conduct and character, so unjustly and indecently aspersed?. Here, however, my Lords, I stand, and triumphantly repel the accusation of having falsified sworn testimony; of having fabricated suppositious evidence; and if there be present one individual of manly and honourable feelings, he will acknowledge that the bare circumstance of being placed in the situation I now hold, is no inconsiderable misfortune. I cannot persuade myself, that if I had left the question on the justice of my country, it would have thought that the unjust and unwarrantable proceedings in another place, unavoidably imposed upon me a task of this humiliating nature: the presumptions must be different, and the proofs must be more decisive, before a man can be fairly called upon to say not guilty to the basest and foulest charge that can be thrown out on the vilest of mankind. It is now nearly seven years since I was entrusted by my sovereign with a commission for the discharge of a most important, awful, and solemn duty: I sought it not, for who could be so frantic as to covet an office so painful and arduous? It was imposed upon me, and with expressions of personal confidence, that I trust were forfeited by no part of my conduct

in the execution of that commission. Two of my noble friends, the lord chancellor and the secretary for the home department, who were joined with me in this undertaking, were chosen by his Majesty only, and the third only was selected by me; and it will be deemed no slight indication of the spirit with which I entered upon this inquiry, when I inform the House, that it was upon my own personal request that the King was graciously pleased, in addition to the other two noble Lords, to direct that the assistance of my Lord Ellenborough should be afforded. No man will believe that if I had any base purpose to accomplish, if the possibility of such an attempt had shot across my mind, by my own voluntary act I should have chosen the chief-justice of England to be a partner in my crime. I can assert with no less confidence, in contradiction of the calumnies, not merely of to-day, that I was completely ignorant of the subject-matter of the inquiry, or, indeed, of any rumour that investigation was intended, until a very short time before the commission was finally laid before his Majesty. So far from there being the slightest foundation for the infamous falsehood industriously circulated, of political stipulations and personal engagements, and I know not what malignant insinuations and suggestions, the House will see, from this statement, that they were utterly impossible. My noble friends, as well as myself, were perfectly aware at that time of the difficulties belonging to our arduous and invidious undertaking; nothing but a strong sense of duty could have induced us to comply. We well knew the obloquy and slander to which we should be exposed; to the resentment of power in some quarters, and to the virulence of faction in others. We also knew, that we had no protection or security, but the undeviating rectitude of our conduct, and no light to guide us through the dark and intricate and dangerous path we were to pursue, but a fixed determination to act according to the dictates of conscience. I am not about to enter into a narrative of the manner in which we executed our trust, since it is impossible to do so without a violation, not only of the words, but of the obvious intention of the oath by which we are bound, and a breach of the duty for the maintenance of which the oath was imposed. I cannot repeat one question or one answer; I dare not allude to one circumstance without swerving from the direct line of rectitude, which, as far as these transactions are concerned, I have always with steady eye pursued. If, in-

deed, any technical objection be urged against the form of the depositions, against the mode of proceeding, or the method in which the report was made to his Majesty, I shall be content to leave it with those who think themselves better lawyers than Lord Erskine, Lord Ellenborough, and Sir Samuel Romilly. Whenever it shall happen that these three great luminaries of the law shall be convinced that they have been mistaken, I shall be perfectly ready to acknowledge that I have participated in their error; but until then, I shall be excused if I adhere to my original opinion. The same remark will apply to the objection regarding leading questions. If Lord Erskine, Lord Ellenborough, and Sir Samuel Romilly, are ignorant of the rules of evidence; if, after their long experience, they are yet to learn from those who, having learnt nothing, are so anxious to teach how truth is to be elicted, I will admit that I have participated in their ignorance. If, indeed, any thing have been done contrary to the strictest rules of honour and justice, God forbid that I should attempt to justify it: the endeavour would be in vain: but until other evidence than that which has been adduced against us be disclosed, I shall rest perfectly satisfied with the inward satisfaction of having with fidelity discharged my duty. If the examinations could be produced, they would speak for themselves: I allude to the original and authentic records, and not to pocket narratives, fabricated I know not when, and secreted I know not where; concealed in darkness for seven years, and now dragged from their hiding places to blast the characters of those who have received, and deserved, the confidence reposed in them. (*hear, hear!*) I refer not to such evidence as malice can, and has, fabricated; and while a spark of justice remains in the breast of an Englishman, by such testimony he will not allow the character of the meanest individual to suffer; not because it is defective in form, but because it is inconsistent with the substantial purposes of justice. I say then, my Lords, that if on the face of the authentic documents, attested by the signatures of the witnesses, and of the commissioners, it shall appear that any part of the proceeding was questionable, I demand, before the propriety of the examinations be discussed, that those who are to decide shall be in possession of all the documents upon this subject, and by them I shall be, at all times, willing to be judged—by them let my character, and that of my noble friends, stand or fall. (*hear, hear!*)

Let not us, however, be parties to a violation of the most sacred confidence, that would disgrace the character of the time, and produce irreparable mischief to the Empire. Of these points I speak as matters of comparatively little importance, and though I do not conceal that the decision of Parliament against us would be painful, it bears no proportion, no possible degree of relation to the scorn, indignation, and contempt with which I treat the accusation, that we participated in the basest and foulest crime that the malice of the bitterest enemy could impute. It is part of the singularity of our situation, that it is from rumour only we collect the charge; but whatever may have been the general effect upon the public mind, among my friends the accusation is looked upon in the gravest light—an accusation of having fabricated a document to impose upon the public. It is said, that there are two instruments—one that is called the true, original, authentic, and real minute of the examination of a witness, in question and answer, and the other a false, fabricated, garbled, and forged sketch of testimony reported to the King, while the former was concealed. To this charge, after the lapse of seven years, what can we oppose? Our bare, solemn declaration of innocence. We make that declaration now, in the face of our country, and we are ready to verify it in the most solemn manner. We say that no forgery or fabrication has been practised by us—that so mean, so vile, so unworthy a trick, never entered our minds: and in proportion to the indignation with which we repel the accusation, would be the caution and hesitation with which we would make it against others. (*hear, hear*!) God be thanked, we are not thus destitute! We never can be sufficiently grateful that the evidence of our innocence and integrity still exists; the original minute in the hand-writing of the chief-justice of England, as it was reported to the King, yet remains for our complete and perfect vindication. There it is, as it was minuted at the time when the witness gave her testimony, with all its corrections and interlineations made by her desire; and on inspection, no man will say that it is not a genuine and authentic record. Having stated these circumstances to your Lordships, what now remains? There is the evidence, read it, and be convinced that we are not guilty; I know not how to argue it; there is nothing to oppose, for it seems impossible to urge any thing in derogation of such an instrument. Am I to argue, in the first instance, the propriety of trusting Sir Samuel Romilly; it

is true, we received no instructions to employ him, but he rendered the inquiry most material assistance. Was it improper, in his absence, that the lord chief-justice of England should take the examinations? Was there any person to whom the duty could be more fitly confided than the chief-justice of England, who among his various arduous functions is more than any other individual engaged in taking evidence from the mouth of the witness, with almost proverbial accuracy; and as he has told you truly, upon that accuracy depends the liberty, property, and even the life of the subject? Hitherto his conduct has been unimpeached, and your Lordships will not readily suppose, that in this instance only of his whole life he was deserted by that conscientiousness of duty which has hitherto guided him; that he has forfeited that integrity which he has hitherto maintained; that he has prostituted his functions, hitherto held sacred; that he has garbled, for the first time, evidence he was employed to take, and has forced a sense the witness never intended to convey. Upon the whole result then, my Lords, I have once more to state, that as far as I am concerned in this accusation, I meet it with a most deliberate and decisive contradiction; and as far as my noble friends are impeached, I may venture to assert, that I am equally conscious of their integrity. Indeed it is impossible that the charge should be true, because we meet what we contend to be a malignant forgery, by evidence that cannot be disproved—by decisive, contradictory, authentic testimony of such a nature that it could not be forged, and which shows that the crime imputed is impossible. More than this, I trust, my Lords, I need not say. (*hear, hear!*) I confess that I feel humiliated and degraded by being compelled to refute such an infamous charge, and though I feel much for parliamentary order and privilege, and the necessity of maintaining the regulations usually enforced, that freedom of debate may be unimpaired, yet upon this occasion I have ventured, at the hazard of some inconvenience, to break through the ordinary regulations. I assure your Lordships, that I have not willingly infringed them; but in what I have uttered, I rather yielded to the opinions of others than abided by my own. At the same time, allow me to reprobate the perseverance in a practice which, if continued, must ultimately overthrow the independence of the two Houses of Parliament, and eventually destroy the balance of the constitution.

Earl Spencer.—My Lords, after what has been said by my

three noble friends, it might perhaps be considered scarcely necessary for me to add any thing to what has been by them so ably and clearly stated; and although I rise most reluctantly upon such a subject, still, considering the charge which has been made against me in common with my three noble friends, I feel that I owe it to myself not to remain silent. I could have wished that such a duty had not devolved upon me, fearing that I may trench upon that line beyond which I am determined not to pass, and within which my noble friends, from being more practised in the habit of public speaking, have more easily kept. I confess also, at the same time, that I feel humiliated at being called upon to answer such a charge, at its being supposed for an instant that I could be guilty of the baseness imputed to me. My noble colleagues and myself are charged with nothing less than a foul conspiracy, of which, if we were guilty, not only we could not appear amongst your Lordships, but we should be unworthy to associate with any honourable or respectable man in the country. My Lords, under these circumstances I feel myself most reluctantly called upon to say a few words, particularly as in the situation which I held at the period I alluded to, I may be said to be more particularly responsible for the correctness of the documents. My Lords, to go over again the points so ably urged by my noble friends, would be an idle and unnecessary waste of your Lordships' time; I should only weaken, instead of strengthening, what they have advanced. I shall, therefore, confine myself to saying a few words upon the point immediately in question; and I do here most solemnly declare, upon the honour of a peer and the faith of a gentleman, (*hear, hear!*), that every word of what my noble friends have stated is correctly and exactly true.

The Earl of Moira.—My Lords, I feel myself placed in rather an embarrassing situation by what has been said by my noble friends. They have felt themselves called upon to vindicate their characters from a gross and unfounded calumny cast upon them. I also feel it necessary to say a few words in vindication of myself from the most calumnious aspersions with which I have been assailed; but at the same time I am aware that I am trespassing upon the order of your Lordships' proceedings, and acting irregularly. I hope, however, for your Lordships' indulgence, whilst I trespass upon your time for a few minutes, to repel the calumnies, connected with this subject, which have been

heaped upon me. My Lords, it has been imputed to me in one publication, that I made several journeys to a place mentioned, for the purpose of examining the servants of an individual, and seeking for evidence. It does so happen that I never was, in the whole course of my life, at the place alluded to, nor in its vicinity; and with respect to the charge of seeking for evidence, I do most solemnly declare, upon the faith and honour of a gentleman, that I never did spontaneously seek for evidence, that I never was instigated, or induced, or requested to do it. What I was called to do, upon a reference being made to me in my capacity as a counsellor of an illustrious personage, is wholly a different question, but spontaneously I never did seek for evidence relative to the subject alluded to. With respect to the servants of a noble Lord, the case stands thus:—That noble Lord repeatedly requested an audience, without once stating the object for which he was so desirous of obtaining it. The audience being at length granted, that noble Lord stated, that certain circumstances had become matter of notoriety amongst the servants of his household, and the subject of public clamour throughout the neighbourhood. Such a statement having been made, inquiry became absolutely necessary; and a reference having been made to me, I felt it to be my duty to send for the servants, in order to examine them touching the allegations then advanced. The result was, that the circumstances alluded to were found to have only just begun to be a subject of conversation in the noble Lord's household, and were scarcely talked of in the neighbourhood, and the whole story was found to be unworthy of further notice or investigation. My Lords, in another material point my conduct has been grossly misrepresented, with respect to the examination of Mr. Edmeades. Fanny Lloyd having made a deposition (and it should be recollected that she was a reluctant and indignant witness), that the medical man who bled her, had made a declaration to her respecting the pregnancy, it became essential that this medical man should be examined. It was thought more delicate that he should be called upon to make his deposition before Mr. Conant at my house, than that he should be summoned for that purpose to the public office in Marlborough Street. It was with this view that I sent for Dr. Mills; but it being immediately ascertained, that he was not the person who bled Fanny Lloyd, it was not necessary to ask him any further questions. His partner, who did

bleed her, was then sent for; and here I wish to observe, that the particular manner which it has been stated I used towards him, was not intended, in the least degree, to urge him on to any testimony; but was simply meant as a check to the pertness with which he gave his evidence. My Lords, I did not then believe, nor do I now believe, that he spoke the truth in the evidence which he gave. I say, I do not now believe, because the impression upon my mind is, that Fanny Lloyd, reluctant and indignant witness as she was, would not have stated that such an expression had passed, if it had not been used; and because his having used the expression in the flippant manner, and in the way stated, accounts at once for all the clamour and misrepresentation upon this subject that subsequently took place. My Lords, I shall probably quit the country in a very short time, and therefore I wish, with the indulgence of your Lordships, to advert to another calumny against me, although not immediately connected with the other topics which have been touched upon. I find it stated in a publication, that "the writer of this article knows that the Earl of Moira sent anonymous paragraphs to an evening paper, for the purpose of calumniating the Princess of Wales." My Lords, I have so utter a detestation of any thing anonymous, that I never resorted to it but once in my life, and that was some years ago, to correct a misrepresentation regarding myself, but which was of a very trifling nature, of no serious import whatever. With respect, however, to the charge thus calumniously made against me, of sending anonymous paragraphs to a newspaper, reflecting upon the character of the Princess of Wales, I do most solemnly declare, in the presence of Almighty God, before whom I stand, that I know of no seduction that could tempt me to such a base and execrable meanness, nor could any such conduct have more certainly lost the favour, and incurred the displeasure, of him whom this writer chooses to suppose it would have gratified. My Lords, I have thought it due to myself to say thus much in vindication of my own character, against the most gross and unfounded calumnies. In this irregular conversation which has taken place, I am much indebted to your Lordships for thus allowing me a share in the irregularity, to enable me to give an explanation of so much importance to myself.

Adjourned.

HOUSE OF COMMONS.

MONDAY, MARCH 22.

PRINCESS OF WALES.

Mr. Whitbread, before the House should pass to the other orders of the day, begged to say a few words relative to some parts of his speech in the House on a former evening. From what he had just heard, it had been stated elsewhere (see report of the House of Lords), by a high and grave authority, that what he read to the House on a former night, as a copy of the evidence of Mrs. Lisle, was wholly fabricated and false. From the account which he had just received, it appeared that the truth of this evidence was disclaimed by all the noble commissioners; from which it would appear that he had been imposed upon. But before he would declare his settled opinion to the House, on that point, he wished also to learn what was the declaration of the witness herself (Mrs. Lisle) on the subject. He was anxious to know whether she considered it a fabrication; and would not wholly disbelieve it, until that was ascertained. He would say, for his own part, that he neither sought or bought this evidence; and that it was not sent to him by the Princess of Wales herself, or officially in her name. He would, therefore, suspend his opinion, until he could procure further information.

Mr. Tierney was sorry for the course adopted by his honourable friend, and regretted his intention of postponing his declaration till he should hear from Mrs. Lisle. He knew Mrs. Lisle, and thought her a most honourable woman. He was, too, very intimate with her connections: but he did not approve of the plan of his honourable friend, from which it would appear as if he wished that the after recollections of Mrs. Lisle should be brought forward now, to bring into discredit the conduct of the commissioners. If he understood his honourable friend, he would ask him whether he meant to say that the noble commissioners acted as if they meant to entrap the witness (Mrs. Lisle)?

Mr. Whitbread said, that he had come to the resolution of postponement, on mature deliberation, nor should he now depart from it. He would to-morrow send the evidence to Mrs. Lisle, and on Wednesday evening, as an

honourable member's motion stood for that night, (Mr. Cochrane Johnstone's) would declare his further sentiments, should he by that time hear from Mrs. Lisle. But should the honourable member delay or postpone his motion, he would take an early opportunity of declaring whether he had been grossly imposed upon, as had been asserted. If he was imposed upon, the gentleman who gave him this evidence was so likewise; and it would be time enough to make the declaration when he had it in his power to do so with truth.

Mr. Bathurst said, the course pursued by the honourable gentleman (Mr. Whitbread), instead of furthering the cause of justice, as the honourable gentleman expressed, and as it was natural to suppose his object should be, went, if countenanced, to overturn one-half of the judicial proceedings of this country. Did not the honourable gentleman know that in many instances, at the quarter-sessions particularly, where the honourable gentleman himself was in the use of attending, the answers only, and not the questions, were taken down in writing? Was it not also a fact, that the judges, in recapitulating the evidence to juries, gave the answers only, and in no one instance both questions and answers? Yet what said the honourable gentleman now? That he would not pay respect to the declaration of all the four noble Lords who had acted as commissioners on the occasion alluded to; but that he would wait till he was satisfied by the declaration of Mrs. Lisle, not made under the sanction of an oath, as her deposition already referred to had been. The honourable gentleman had read the paper in question, not knowing that it had come from Mrs. Lisle. The four noble Lords utterly disclaimed it, and declared it to be a fabrication, and it did not appear that Mrs. Lisle set it up as being true. Instead of the honourable gentleman being surprised that the paper had been so long of being disclaimed, he (Mr. Bathurst) thought he might rather have been led to the conclusion that it was an imposition, from seeing that it had not yet been authenticated in any shape. It appeared to him (Mr. Bathurst) that the honourable gentleman did not consult his usual judgment in keeping this matter pending, seeing that the paper could never be authenticated, and that, at the least, if Mrs. Lisle should say that such questions had been put to her, it would only be the recollection of the witness setting up the questions as well as the answers. In only

one single point, the honourable member had said, the deposition, and the paper from which he had read the questions and answers, did not agree: and was this paper, he asked, to be taken in direct contradiction to the testimony of Mrs. Lisle, as taken down by the commissioners; read over by them to the witness; and, on due deliberation, authenticated by her signature. This proceeding on the part of the honourable gentleman, he was sorry to think, was one of the most extraordinary which had arisen out of this most unfortunate discussion.

Mr. Whitbread declared, whatever might be said on the subject, should not change his determination. He had purposely abstained from making any inquiry on the subject, till he had heard the nature of the attack with which he had been threatened. He was now told that the paper was a fabrication; if so, he was satisfied it could not be a fabrication of Mrs. Lisle's; but, after what had passed, he should wait, before he admitted that an imposture had been practised on him, till he had made the necessary inquiries of Mrs. Lisle.

EAST INDIA COMPANY'S CHARTER.

Lord Castlereagh moved the order of the day for the House resolving itself into a committee on the East India company's affairs; and that the different petitions for and against the renewal of company's exclusive charter be referred to the said committee.

The order of the day being read, the House resolved into the committee, Mr. Lushington in the chair.

Lord Castlereagh then addressed the committee. The charter of the East India company being now about shortly to expire, it fell to the lot of Parliament to take into their serious consideration what was to be the nature of the government to be provided for our Eastern Empire in future. In approaching a subject of such extensive magnitude and difficulty, it was impossible not to be struck with the extreme singularity of the case; in which the legislature of this country was called on to provide for the government of a settlement infinitely exceeding the parent state in extent and population. It was impossible not to be struck with the importance of the duty they had now to discharge, not merely in a commercial point of view, but with reference to the moral trust reposed in them, in providing what was best for the happiness of so large a body of

their fellow-men. They had to discharge a duty unprecedented in any other state. They had to provide for the happiness, comfort, and government of a body of men, exceeding three-fold the population of the parent state. He had no difficulty in stating, on his own part, and on the part of those with whom he acted, that if the regulations which he was about to propose for the adoption of the House, in the form of resolutions, must have the necessary consequence of endangering—far more, if it must have the effect of pulling down the system by which the Indian Empire had hitherto been acquired and held together—they would feel themselves called on to hesitate much before they recommended the adoption of such a mode of proceeding. At the same time, however, he must be allowed to say that the lapse of years and existing circumstances had rendered a partial change in the system of policy hitherto observed towards our Indian possessions indispensably requisite, and that there was no part of the Empire more concerned in adopting that change than the East India company itself. The mode of government adopted by the East India company had certainly raised and preserved an empire unprecedented in the history of the world; and they had governed the people under their controul, on a principle eminently calculated to produce the happiness of the governed. He did not believe the history of the world had ever produced its parallel—a system by which a population of 50 millions of native subjects were governed, while the civil officers of the company by whom the government was conducted did not exceed 1600; and this too under a government than which there never was a milder, nor one by which the happiness of the people was more consulted. He did not know that there was ever a government possessed of servants of greater ability or character than those of the East India company. He said, and he said so with sincerity, that he did not know of any set of public servants whose merits were so conspicuous, or whose acts of delinquency were so few, as those of the East India company. The company were, no doubt, remarkable for their liberality towards their servants; and from this circumstance, joined to the additional circumstance that their servants were selected out of a particular class of the inhabitants of this country, it was no doubt owing that the records of no government whatever afforded examples of servants of such political efficiency as the East India company. This he

said of the servants of the company abroad; and he was convinced he would not do justice to the company's servants at home if he did not extend similar commendation to them also. It had been his lot to hold a situation from which he was enabled to form a judgment of the affairs of the East India company, and also to form an estimate of the character of their servants, than whom, in his opinion, there were none better or more efficient to be met with. Though he spoke in the presence of some of the India directors, he must say, that no government had better servants, and that there were among them men who would do credit to the councils of any government. These were generally his Lordship's feelings as to the system pursued by the East India company, and as to the merits of their servants; and though he might differ from the company and from their directors in many things, he hoped they would believe that he would not willingly say or do any thing which could have the effect of unnecessarily breaking in upon a system of which he approved. If ministers had felt it to be their duty to look at this question, not altogether in the way in which it occurred to the company to view it, he hoped it would not be attributed to any wish to innovate or to break in upon their chartered rights. If ministers were willingly to do so, they would take on themselves a great responsibility. But in what they had now to propose to the House, they were aware that they discharged a duty, not of choice, but of necessity. They were called on to form a judgment as to what was fit to be done, so as to consult the just rights of the public of this country, and of the East India company, taking care, at the same time, not to lose sight of the happiness of the native inhabitants of our Eastern Empire. They might have formed an erroneous judgment in these respects. They only wished, however, to be convinced of this to retract. They had proceeded on a firm conviction that what he had now to propose was safe and expedient. They were open, however, to conviction, and if convinced they were wrong, they should feel it no reproach to their understandings to admit that they had been mistaken, and that the plan which had occurred to them was not that which was most consonant to the interests of all parties concerned. He hoped, however, when he had stated the view he entertained of the matter, the House would be of opinion, that it was not such a proposition as went in any unnecessary degree to break in upon the char-

tered rights of the company. The first question to be considered was, whether the House ought to persevere in the old system as to India; whether it ought now to adopt a new system; or if it would not be better to pursue a middle course, without going to either of the two extremes? With reference to the first proposition, and being of opinion that the charter, if to be renewed, ought not to be renewed for any shorter space than 20 years, his Lordship had no hesitation in saying, that the system acted on for the last 20 years could not be persevered in for another space of the same endurance, with regard to the interests of the public at home, to those of the native population abroad, or to the general interests of the East India company itself. It was not desirable that discussions of the nature of the present should too frequently be gone into; therefore, if to be renewed at all, he thought the company's charter should be renewed for 20 years. If this was to be the case, then he could see no principle of justice or policy which could warrant the House in tying up the capital of one-half of the globe, and confining the exclusive trade to India to the company, and to foreigners. That was so monstrous a proposition—one so much out of the course of nature—that no principle could be found to support it. On what pretence could it be argued that all British capital was to be excluded from this trade to British settlements, except the capital of this company; and that in addition to the company, foreigners only were to be allowed a free trade? When it was said that the company had extended the trade to India to the full amount to which it could be carried, he could not help doubting the assertion. But supposing that to be so, he could by no means go along with the idea that the trade to India was to remain stationary for the time for which it was his intention to propose that the charter should be renewed. He was aware that great danger was to be apprehended from an over-speculation at the first throwing open of such a trade. Good, however, often came out of evil; and, though he looked with apprehension to the burst which might be expected at the first opening of the trade, that was not a sufficient cause for a great country to despond, or to shut out the enterprising spirit of her merchants. It was with commerce as with war: in the latter many valuable lives were sacrificed for the country, and though the immediate loss was to be deplored, yet the country would thereby often have her dearest interests pro-

moted. So it was with commerce. The first adventurers in a new trade might go too far. They were the pioneers, however, who cleared the way for others; and though, at first, a loss might arise from excessive speculation, there could be little doubt that new channels would, in that manner, be opened for the trade and manufactures of an enterprising and persevering people. His Lordship apprehended that the private trade had of late years greatly increased, notwithstanding all the restrictions to which it had been subjected by the East India company. Within the last 19 years, it had risen to within one-third of the total of the company's trade: this too, notwithstanding it was a trade not carried on by those interested in its extension, but rather through the medium of an adverse commerce. It was impossible, in these circumstances, that this could be an inviting commerce, but much the reverse. Looking to it, even in its present state, it was a trade much beyond the strength of the company to carry on to its full extent. He had long been of this opinion; and that the trade to India being one which was capable of being gradually extended, it was quite inconsistent with the duty of Parliament, to confine it within the trammels of a chartered company. The only way of extending the trade to its proper limits was, by opening it to the public of this country, as it was only through the shipping of this country that the object could be effected. Feeling the magnitude of the question, and the great length of statement into which he must necessarily enter, his Lordship said, he should at present avoid entering into arguments in support of his propositions, reserving to himself to do so, on some future occasion; his object to-night being rather to develop his resolutions generally. He was convinced, if the House were even prepared to give to the company this exclusive trade, that the company itself should not wish it. He was sure, though the company had received this trade as a boon from the Empire, they had received it as a trust, not to be treated on the narrow principles of commercial policy, by which they might be induced, rather than give up any part of it, to take too great a load upon their own shoulders. The evil arising from a deficiency of capital, he knew had compelled the company to withdraw from concerns which would have been more advantageous to themselves, that they might continue this trade, by which a loss rather than a profit had arisen to them. He begged on this head to

refer to documents founded on by the company themselves, and which, in his Lordship's mind, carried their self-condemnation along with them. From these vouchers it appeared, that the private trade, instead of yielding them a profit, caused an annual loss to the amount of nearly half a million, in providing tonnage for the accommodation of private merchants exporting goods to the East Indies. This the company argued on, as affording proof that the opening the trade to the public would be productive of loss to the private merchants This, however, was by no means the case; nor was any such conclusion to be drawn. As matters now stood, the private traders were obliged to submit to every regulation which the company chose to make, and to have their conduct regulated by the will of others. This, however, would not be the case in the event of an open trade. But it was not on the private trade alone that the company were losers. It was but justice to them to say, that they laboured to the utmost to discharge all the trusts committed to them. But, so inadequate was their capital to carry on the various objects to which their attention was directed, that they had been obliged, at times, in order to keep up their instalments, when their own stock was not sufficient, to go for the support of their credit to the money market of India, and there to borrow money at 10 and 12 per cent. interest. With regard to the other extreme alternative, continued the noble Lord, whether the affairs of the British Empire in India should be upheld by adhering strictly to that system which had been adopted by the company, or whether the dissolution of that connection should take place, he would still cherish the idea that the interests of the company in general were so closely allied with those of the Empire, that no such alternative need be resorted to; and he trusted, when the whole question had been thoroughly sifted by Parliament, there would not be found any individual interest so bound up in the present system, as not to bend to those arrangements which, upon the whole, might be thought most desirable in the opinion of Parliament. If, indeed, it had been thought that the interests of the public and of the company were irreconcilable, it would have been more manly in ministers to come forward and state so, with a view to propose an entire change of system in all its parts. He knew it had been urged that there were constitutional reasons, which must operate as a bar to the introduction of

any other system, and as a reason which would induce the legislature not to hazard any change. He was most willing to admit that the transfer of the patronage of that great Empire, if transferred without due regulation and restriction, would be such a change, and pregnant with such evil, as the country ought not to be exposed to; and he was prepared to meet the question upon the admitted principle that the patronage must be so guarded as to allay that constitutional jealousy. Having stated thus much, he now wished to draw the attention of the committee to that course, by the pursuing of which he apprehended all the interests of the Empire would be best provided for. He meant such a modification of existing interests as might be adopted, not at the expense, but with concomitant advantages to the company itself. No one would maintain that the affairs connected with the British Empire in India could continue to rest upon its present basis; the manner of conducting them must receive large modifications, and the only question would be as to the character and tendency of those modifications. And here he begged to say, that he was far from wishing to tie up the hands of the East India company; they might fairly be allowed to state the concessions they had already made, and they were perfectly at liberty to maintain, as he apprehended, without any breach of faith, that rather than go further, they would return back to their old ground, and make their defence there. But, at the same time, it must be allowed, in common candour, that, having agreed to go a certain length, it was now incumbent upon them to show to Parliament, in a decisive and satisfactory manner, that the difference between their views and those entertained by ministers was a substantial and sufficient reason why they should refuse to charge themselves any longer with the government of affairs in India. He should now proceed to the nature of the propositions he intended to submit to the committee, and he believed the most concise method he could pursue would be, as he went along, to open the propositions with which he meant to conclude; and in doing so, to advert to such leading objections to the regulations as might be anticipated. The first resolution would be, in its general character, declaratory of the principle, that the whole system of the East India company, as by law established, should continue in full force, except so far as it might be modified by the resolutions subsequently to be moved; the course of legislation,

therefore, intended to be proposed, was the recognition of such a system for 20 years, subject to such other modifications as the bill when brought in would provide. The two next resolutions would involve the consideration of the East India company's trade, and the opinions of two large classes of individuals, viz. those who concurred with government that the trade with India should be thrown open, except that with China, which should be secured to the company, and those who agreed upon the former question, but who contended that the China trade should equally be free. With a view to give both these questions a full and separate discussion, he had framed two distinct resolutions, one of which (the second in the series) went to declare that the restraint upon the China trade, as now by law established, should still exist; in fact, that the East India company should be secured in their monopoly of that trade. As that was one of the great branches of discussion which would on a future day occupy their attention, he would not go into the argument on the present occasion; but he would merely say, that, under the existing system of that trade, all its purposes were so well accomplished, in reference to the Empire at large, that it would be imprudent to hazard any change, without strong and urgent necessity. He had no indisposition, however, to admit, at the very outset of the discussion, that the main consideration which influenced him in forming that opinion was, not that the trade could not exist under any other regulations, but that, on public grounds, it should be continued to the company, not merely as a separate commercial body, and as being thus interested in its monopoly, but as contributing, by the possession of that exclusive trade, to the benefit of the Empire at large. The second branch of the question was one that induced the great point of controversy, as it went to declare under what regulations the trade to India was hereafter to be carried on; and in the resolution upon that head, nothing with regard to territory was excepted but China, nor any Indian article excepted but tea. In every other respect the trade was to be declared free and open. The first regulation, affecting this head of the question, would be, that the trade should be carried on by British subjects, in ships whose registered tonnage should not be less than 350 tons, which would amount actually to 400 tons. The next limitation was, that the export commerce would be open to all the ports of the Empire, but that the homeward commerce, instead of being

confined to the port of London, should be open to certain out-ports, under such guards and restrictions as may be judged necessary, and to those only that may be found provided with such warehouses and docks as would be an adequate security against smuggling. He had not, in the first instance, named these out-ports, because he thought a survey should be instituted, and upon that survey the privilege of importing from India might be conferred upon those ports that should be reported fit and safe places, with a view to securing the revenue of the country from injury. The next arrangement, and the only exception to the general principle that all articles might be imported, related to piece goods, which would be excepted, as it was well known to those who had turned their attention to the subject, that there was no class of goods so difficult to value as piece goods, except by that species of auction which was adopted by the company. There was, also, another reason for introducing this exception, which affected the home manufacturer; for, if those India piece goods used to find their way into the market at low prices, they would come injuriously into competition with the British manufactures; and therefore it was a matter of policy to except them, when imported for home consumption, leaving, however, the out-ports in possession of the former, to import them when imported only for re-exportation. The first great question that those regulations suggested, was that of smuggling, and the consequent diminution of the revenue. These were the chief grounds upon which the East India company argued for a renewal of their charter; and if government could have persuaded itself that the fears of the company upon that head were founded, it might have altered much the complexion of the whole measure. But he wished to call their attention to one or two points. First, as to a question of revenue. The whole revenue derived from the East India trade was somewhat about three millions, four or five hundred thousand pounds; and three millions out of that arose from the duties on tea; so that the whole question of revenue amounted to about 3 or 400,000*l.*; and the whole battle was about the tea trade. The company might be sure, however, that all the energies of the state and of Parliament would be applied to prevent, by adequate regulations, the teas of China from being fraudulently introduced into this country. He would now examine their fears upon the smuggling of this article; and he would not disguise the fact that, from the nature of tea,

lying in a small compass, and the high duties upon it forming an object of cupidity, there were many difficulties in preventing its being smuggled. He was willing to admit also, that by opening the trade, and admitting a free intercourse to all the numerous islands and coasts of India, it must be presumed, that great facilities in finding the article of tea, and lading vessels with it, would be created; but though that danger was certainly incident to the measure under contemplation, yet it did not arise merely and solely from it, and if he could show that the ports of the Pacific Ocean, in various parts where tea may be found and become part of our assorted cargo, even now presented such facilities, no very great additional danger need be apprehended from opening the trade of India to the subjects of Great Britain. He believed that up to the period when the war took place between this country and America, there was no difficulty in vessels procuring a lading of tea from thence, whatever difficulty there might afterwards be in smuggling it into this country; and in time of peace, what difficulty was there in obtaining such cargoes from Sweden, Denmark, Portugal, and indeed from any country that traded with India? It became, therefore, only a matter of consideration for individuals, whether they chose to incur the risks of carrying on such an illicit commerce or not. It was known that those attempts had been successfully made, though they sometimes failed; but the amount of seizures did not indicate that it was carried on to any alarming extent at present. It was a prevailing opinion, also founded upon accurate observation, that there were no parts of the coasts of the United Kingdom so well calculated to encourage smuggling as those where the East India company saw no danger at all; he meant up the Channel, round the Foreland, and up to Blackwall; and therefore he really could not see any great additional danger to be apprehended on that head, from opening the trade to India. Of course, every legislative measure that could operate as a preventive would be adopted, making it highly penal, and incurring confiscation of the vessel, with other punishments. The next question was the mode of taking the duties. This was at first thought to be a serious difficulty, affecting the revenue of the country, if the goods were not brought to the East India company's sales, and the duties taken upon them in that manner. But, upon examining the book of rates, it was found that, of the ma-

rated articles, a considerable number might be transferred to the rated duties. It appeared, also, that almost all the articles which were charged with *ad valorem* duties, were small in number, and small in value, and that the whole amount of those duties levied upon *ad valorem* articles did not exceed 40,000*l.* a year; so that in changing that to a duty upon the declared value by the importer, it was thought both by the board of excise and board of customs, the country would not be exposed to a loss of more than five per cent. which upon 40,000*l.* a year was no great loss to the revenue. The other branch, and the most important one, was the rated duties; but almost all the great and bulky articles, such as cottons, sugars, and he believed indigo, were imported upon rated duties. The next topic which he should advert to, not argue, was the objection that the opening of the trade would lead to an indiscriminate intercourse with the natives, which might in the end endanger the whole system, and the whole of our power in India. But in this apprehension he thought the India company themselves could not be very much in earnest, as they had admitted of that middle course, which allowed the carrying out manufactures to India indiscriminately from the outports, only contending that the imports from India should be brought to the port of London. As to the idea of colonization there, it seemed quite chimerical, as the price of labour was so low as to leave no inducement to the hard-working classes of the community to go out there; and with respect to the higher classes, who had objects of preferment and power in view, it was well known that no person could acquire any property in the country, that was not perfectly distinct from the soil, and independent of it. At the same time that he thus argued on general principles, he did not mean to place an implicit reliance on them, unbacked by the authority of an efficient and vigilant government. Now, it was his intention to leave the India company in full possession of all their authority to expel every individual whose conduct or intentions they might find or suspect to be dangerous. With this restriction and controul he felt no apprehension on the subject of colonization; nor did he think the character of the people of this country so obnoxious that they alone should be rigidly excluded from our Empire in India, while not only the Americans, but numberless Europeans and Asiatics, were allowed free and unrestrained access to that country, and while it was found

that this intercourse was productive of no ill effects. Besides, the intercourse with India was at this moment as open as it was ever likely to be. In reality, any adventurer who was so disposed might go to India, by first going to the ports of the continent. The difficulty was not for any one to get to India, but the question which every rational man asked himself, before he set out, was, what would be his lot when he got there? It was this consideration, and this alone, which kept our intercourse with India within due bounds; and though this intercourse would no doubt be extended with the extent of our commerce, yet he did not believe it would ever be carried to a dangerous excess. For his own part, he was convinced that it would be for the advantages of the moral habits of our countrymen, that our communication with the natives of India should be as much narrowed as possible. It was said that it was a considerable advantage to the East India company to have their remittances in their own hands, and that any other mode of transacting this part of their financial concerns would be unsatisfactory, and liable to various objections. Yet he could not conceive that the nature of the company's government was so different from all others, that they could not transact their remittances by any hands but their own. If the government of this country, for instance, had a subsidy to make to any of our allies, it was not surely necessary that they should turn merchants in order to effect it. In whatever hands the commerce was placed, through whatever channels it flowed, the remittances might always be made through the commerce. In viewing the subject in another light, as a question of profit, he did not think that the company were commercially interested in retaining the exclusive possession of the India trade. If this part of the trade had been entirely in other hands for the last 20 years, without injuring their general and political prosperity, their affairs, as a trading company, would have been in a much better state than they are at present. In the reports given in by the court of directors themselves, it appeared, that the excess of their profits on the whole of their trade above their expences, was six millions, within the period above mentioned. Their profits on the India trade were 2,100,000*l.*; while those on the China trade were 18,500,000*l.* So that the advantage on the side of the China trade was in the proportion of 18 to 2, or 9 to 1. But we were also to consider what were the capitals em-

ployed in these different trades. Now though the India trade was so infinitely less profitable than the other, there was more capital embarked in it. If then you charge the dividends and the interest of bonds equally on each, there will be the half of about 15 millions to be set against the profits of the India trade; that is, seven millions and a half against little more than two millions, leaving a balance of nearly four millions and a half against the India trade. Such was the sacrifice of the commercial interests of the company necessary to the carrying on of this trade. On the whole, and managed as it was by the company, it had clearly been a losing concern; and to it had been sacrificed a great part of the advantages which were derived from the China trade. Such was the account of this trade for the last 20 years; and the inference to be drawn from it would surely apply much more strongly to the next 20 years, unless it was maintained that the trade itself could make no further advances. If it were not in its own nature stationary, a period must necessarily arise in its progress, in which the company's government would want capital, would want means and authority to carry it on. Fortunate as the establishment of the company in its present form had been, prosperous as it had been in its growth and enlargement, yet there was a limit which it could not be allowed to to exceed, without becoming unwieldy and unmanageable, subversive of itself, and detrimental to the country. If suffered to go on, it would grow up to a height in which the magnitude and complexity of interests contained in it, could no longer be controuled by the court of directors, able and upright as they were: it would resemble a body without a head. The interest of the various proprietors and private tradesmen in this great city overawed and controuled the directors; they could not discharge their duty to themselves or to the country. It was indeed from the conflict and strength of men's personal interests that the harmony and good order of the whole resulted; but it was also necessary that these interests should be under the controul and guidance of some higher authority, of more enlarged and general principles of action. The noble Lord then said that into whatever hands the conduct of the company's affairs should fall, no good could be done without an efficient principle of economy and retrenchment of expense. On this head it was satisfactory to him to be able to state, that since the date of the papers which were laid on

their table, the results of farther investigations into the company's affairs were highly favourable. For the year 1811-12, the surplus profits had been originally stated at only 300,000*l.* It now appeared that there was in fact a surplus of 1,500,000*l.*; and though the surplus for 1812-13 had only been positively stated at 5 or 600,000*l.* it was expected to exceed a million. He would only offer one word of advice on the subject of the company's mode of keeping their accounts. He thought it extremely desirable, that in future the territorial and commercial accounts should be kept more distinct, so that it might be possible with a single glance of the eye to ascertain their relative amount. With regard to the question, on what footing ships built in India should be considered? he wished them to be placed on the same footing as all other vessels, namely, that they should be manned, according to the navigation act, with two-thirds British sailors, but with the provision that this should extend only to times of peace. The Indian vessels would thus afford a nursery for British seamen, who might be immediately transferred to the more effectual service of their country in time of war, by then allowing a greater proportion of Lascars to navigate our vessels. He should also wish some provision to be made, by which all persons bringing the natives of India from their own country should be bound to take proper care of them, and carry them safely back. Another regulation which he should propose, as to the application of the funds of the company, was to enable them to grant pensions to their civil and military servants, which they were not at present authorised to do, except to a small amount. By a singular incongruity in the statutory enactments which regulated the proceedings of this great body, while they were enabled to grant sums of money to any amount, they were not allowed to grant a pension of 300*l.* per annum. This, therefore, would form the subject of another resolution.—The more he looked at this question, as to its general effects, and its particular details, he was persuaded, that while the government of the continent of India remained in the hands of the company, far from weakening those hands, it was, if that could by any means be effected, desirable to strengthen them. This led him to the consideration of an important part of the question—the command of the native army of India. Formerly the leaning of his opinion was, that it would be expedient to separate the command of this army from the

company and give it to the crown. This opinion arose probably from the weight which the sentiments of an illustrious connection of Marquis Cornwallis had with him (Lord Castlereagh). That noble Marquis had afterwards, however, been satisfied with some arrangements on the subject, without so great an alteration. There were great authorities on both sides of the question, and it seemed at first sight an objection to the present state of this species of force, that so large a military body should be in other hands than those of the sovereign. But, after a mature consideration of the question, his (Lord Castlereagh's) colleagues and himself were of opinion, that to separate the command of the army from the civil administration of India would be to sap the authority of that government. The army, if transferred to the crown, must remain in the condition of a local force, formed on no other principle than that of seniority, without reference to the rest of the military force of the Empire. As, therefore, no material alteration could be made in this body, if transferred to the crown, it would be a gratuitous sacrifice of the interests of the company to take this force out of the controul of the local sovereign; and so long as the company retained the government of India, it would be an anomaly to take from them the power of the sword, while they were permitted to hold the power of the law. There was another branch of the subject nearly connected with this, and which would form the subject of a resolution, on which he apprehended no difference of opinion. King's troops were sent to India, but in very uncertain numbers; and it must be obvious, that inconvenience must arise from this uncertainty, particularly as to the finances of the company. There were times at which it had been advisable that there should be a force in India sufficient to meet the attacks of France, when that power was making rapid strides towards universal sovereignty. But whenever the defence of India became necessary for the interests of the whole Empire, it was unjust that the company alone should defray the whole expense of it. What he should propose on this subject, therefore, was, that there should be a stated number of troops, to form, as it were, the garrison of India, and that any additional troops which it might at any time be necessary to send there, should be paid by this country. It was his wish that the company should be upheld in India, and that all the acts of government should bear their name; but there were cases of

great importance to this country, in which it was desirable that the company should receive, and in which they were willing to receive, the advice of government. The only regulation which in his resolutions he should have to propose, in addition to the existing ones, was as to the different appointments to the presidencies. The crown has at present the virtual power of appointment, by its power of recal. Whether or no, this power was originally designed to apply to cases of misbehaviour only, it was now applied to the extent which he had stated, and was a most invidious way of exercising the power of disapproval of appointments. The resolution which he should propose on this subject, would leave the appointment of the members of the presidencies in the hands of the directors, but would render necessary the approbation of the crown, under his Majesty's sign-manual. Another resolution which he should propose would be on the subject of religion—he was aware, that it was unwise to encroach on the subject of religion generally, and that this, under the circumstances of our government in India, was a most delicate question. (*hear!*) But there was one regulation on the subject, necessary even for the sake of decency. The company, entrusted with the supreme government in this as in other matters, had permitted the free exercise of religion at their settlements; but there was no sort of religious control, and the members of the Church of England could not receive the benefits of those parts of their religion to which the Episcopalian functions were necessary; for example, the ceremony of confirmation. He hoped the House did not suppose that he was coming out with a great ecclesiastical establishment, for it could only amount to one bishop and three archdeacons, to superintend the chaplains of the different settlements. The company, he hoped, would not think it an encroachment on their rights, that while British subjects were governed in India by British law, they should be permitted to exercise their national religion. These were two considerations of importance, one of a general, the other of a commercial nature, on which it might not, however, be necessary to propose any resolutions. It was desirable, whatever the resolutions of Parliament at this time might be, to take care that no impediment should hinder the judgment of Parliament from adopting in future such regulations as it might from time to time think expedient. The principle on which the trade with India was at present regulated, was on the principle that it should be

carried on between that country and this; and it was a wise policy to endeavour to procure to this country the intermediate profits which resulted from the carrying trade between our Eastern possessions and foreign nations. But a time might arrive, when the foreign traders, who would trade directly between the East and foreign nations, might only be to be met by British merchants, by a similar direct commerce, such as was permitted by the act of navigation in other branches of trade. At this time, when America and the other nations, which engaged formerly in the carrying trade, were crippled, or unable from peculiar circumstances to embark in it, it was not wise to alter our present system of policy; but when the stream turned another way, and it was only by conforming ourselves to a direct trade with foreign states, that we could compete with foreigners, it would be advisable to conform to it, and this not for the purpose of getting all the trade of the world into our own hands (*hear*!), for he was one of those who thought that there was commerce enough for all nations of the earth, if they would engage in it in amity; but because he was unwilling to travel in a course so opposite to the natural course of things, as to force British capital out of a line of commerce so peculiarly British. (*hear, hear*!) Having gone through all the heads of the measures he had to propose, with as much rapidity as possible, he was sensible that he had left much unsaid; but he hoped that the committee would not receive any of his propositions the more unfavourably on account of the incompleteness of the statements with which they had been ushered in. He hoped the committee would suffer the resolutions to be read *pro forma*, and to be printed, and the consideration fixed for a day as near the present as was consistent with the magnitude of the question; and of the greatest importance it certainly was, whether the magnitude of the commerce, or the numbers of the population affected, were considered. As his Majesty's ministers had not volunteered to bring this subject forward, but had been bound in duty to propound these arrangements, he hoped the House would receive their propositions with the greater indulgence. Though there were conflicting interests in the country, yet these interests had so many points of union, and so few of difference, he hoped that by some sacrifices of interest, and what were still greater sacrifices, by those of feeling, he hoped the British Parliament, which had raised the Empire to its present pitch of prosperity,

would not be found insufficient to surmount this difficulty, in the overcoming of which the prosperity of the British Empire in so high a degree depended. (*hear, hear!*) Lord C. then handed his resolutions to the chairman, which were accordingly severally read. The resolutions provided, 1. That all the present immunities of the company, and the regulations respecting the same, should continue, except as hereinafter provided. 2. That the China trade should continue under its present restrictions. 3. That it should be lawful for any British subject to export to any other part included in the company's charter from any port of the United Kingdom. 4. Also to import thence to any port in the United Kingdom. 5. Provided the warehouses at the said ports should be deemed safe for the purposes of the revenue. 6. And that this be notified by an order in council. 7. Provided the vessel in which goods be imported or exported be of a burthen not less than 350 tons. 8. And that on approaching port, the vessel notify its arrival by a manifest. 9. Regulations as to importation and sale of silk and hair goods. 10. As to the order of the application of the revenues of the company:—1. To the payment of the the troops and support of the forts. 2. To liquidate debts on bills of exchange. 3. Other debts except bond debts. 4. To pay a dividend of ten per cent. and a contingent half per cent. 5. To liquidate the bond debts until they amount only to 3,000,000*l.* 6. The surplus profit to be divided in the ratio of five-sixths to government and one-*sixth* to the company, with a provision for repaying the capital stock.—11. Regulations respecting the employment of India shipping. 12. Provisions for the support and return of the Lascars brought to England in private vessels. 13. Provision to enable the company to grant pensions and gratuities. 14. Provision for the appointment to the different presidencies, and to render necessary the approbation of the crown. 15. Appointment of a bishop and three arch-deacons, to be paid by the company.

Mr. R. Thornton acknowledged the liberality of the noble Lord in praising the civil servants of the company in India, and the directors at home, while he wished to make an entire change in their government. In his (Mr. R. Thornton's) responsible situation, it was necessary for him *to protest* thus early against the present propositions, which involved the interest of 60 millions in India and 15 millions in this country. They went to overturn a system sup-

ported for 150 years by hostile administrations, and acknowledged by 16 acts of Parliament. The noble Lord had treated the matter too much as a commercial question; but he would find that when the political machine of the company was destroyed, it was not to be renewed at pleasure. The government of India had long been carried on through the hands of the company, and it remained to be seen how the inhabitants of India would relish the sovereigns of Birmingham, Liverpool, or Glasgow, or the council of Cork. These men were to be admitted to reap the fruits of that field which had been gained by the toil of the company. The noble Lord had called his measure a modification, he (Mr. T.) wished it was a modification. If there were any difficulties in the way of the private trader, he would say—remove them, but do not overturn the company altogether. The company's trade was a monopoly, but of the most restricted kind, and he quoted the opinions of Mr. Dundas and Mr. Fox, so often alluded to, in support of the proposition, that without monopoly the trade with India could not be carried on. Some of the petitions, continued the honourable member, were from places which could derive no possible benefit from the extension of the India trade. There was one from a district of Scotland which could export nothing but horned cattle. He wished the petitioners had addressed themselves, in their petitions, more to the head, and less to the passions. The petition of the Kidderminster manufacturers complain of having suffered by the calamities of war, and pray, that if peace be not restored, that at least the nuisance of the East India company should be abolished. In the pamphlets and publications which he had seen on the subject, it was astonishing to see the manner in which the credulity of the country was attempted to be worked on. It was said, would they allow foreigners to run away with the trade? He should be sorry that this should be the case: but it was very hard to the East India company, that because the Americans had been so much favoured in a treaty in which the East India company's interests were little consulted, the East India company should now be sacrificed on that account. America carried on trade in her neutral character; and when the ports of other countries were shut to us, it was not easy to put a stop to that trade: but America had not exported any of our manufactures to India; and the example of that country could not be adduced as a proof, that

the exports from this country to India could admit of any considerable increase. It was in fact impossible for the natives of India to be the consumers of our manufactures. How could one of their people, whose annual income amounted only to between 3*l.* and 4*l.* afford to purchase any of the costly manufactures of this country?—With respect to colonization, he would affirm, that the influx of foreigners, who might drive the trade to India, would, if they met with a disappointment, endeavour to get into the vortex of the Indian courts. What remuneration were the gentlemen of the out-ports prepared to give to the company, for the cruel sacrifices to which they wished to subject the company? Before the commencement of the troubles of France, the universal cry in that country was "liberty and trade," and now their ports were completely shut to trade. That ought to be a lesson to them, how they listen to idle clamour. He thought, that if it was possible, without being intolerant and without risking the peace of the country, to introduce a purer religion among the natives of India, commercial habits were more likely to be introduced among them from that circumstance than in any other way. He wished them to hesitate before they gave their sanction to the proposed innovation. Would they change experience for theory?—The East India company were of no party, they threw themselves on the country; and they trusted that every consideration would be given to the subject before any thing should be resolved on.

Mr. Protheroe, member for Bristol, said that he was prepared at the proper time to state, that the restrictions proposed by the noble Lord were such as could not be justified by sound views of national policy. As the noble Lord had not thought proper to state the arguments on which he founded these restrictions, he should wait till he heard these arguments before he opposed the restrictions.

General Gascoigne wished to know from the noble Lord if he had appointed the time for bringing on the discussion; the evidence might occupy a good deal of time.

Lord Castlereagh apprehended that the resolutions might be in the hands of members by to-morrow evening or the following morning. With respect to evidence, it was a question whether they ought to have it or not? It was the opinion of many with whom he had conversed, that the time of the House ought not to be wasted with evidence. He had no reluctance to consent to the debate coming

on in the latter end of the week instead of the beginning; but if evidence should be gone into, it could not be too soon.

Mr. Witshed Keene contended that there were many persons in the country, capable of affording much information to the House with respect to India, and the consequences which would be produced by an extension of trade, and he should therefore move, at a proper time, that evidence be called to the bar.

Mr. Tierney said, it was not his intention to enter into any observations upon the question at present. The time of the House ought to be occupied with the statement of the noble Lord, who had performed his task in a very able and satisfactory manner. The resolutions ought to be a sufficient time in the hands of members to allow them to make up their minds before entering on any discussion. The gentleman who spoke last, had anticipated, in some measure, what it was his intention to say. He wished for evidence on one or two points, on which he did not know where to turn for information at present. The speech of the noble Lord had narrowed his attention to one or two points. The noble Lord had stated the great advantage which had accrued to our Indian possessions, from the system of management which had been pursued for the last 20 years. In this eulogium he cordially agreed with the noble Lord. Although he had no doubt that many improvements might yet be made in the system of management, he had no hesitation in stating that it was highly creditable to the East India company, and the board who had the superintendence of Indian affairs. Let gentlemen look back to the reports on this subject in the time of Mr. Burke, and they would see that the great object was then to draw the attention of the House to the abuses in the government of India. But now there was no attempt made to state the existence of abuses in India. This was a point which ought not to be lost sight of; that the system by which India was governed, was one which was acknowledged to have contributed to the happiness of our subjects of that country. He stated this to show the value of the object which was at stake. That from the mode in which India was governed, the people enjoyed happiness, was attested by every side of the House; and he was, therefore, unwilling to expose that happiness to any hazard. There were persons in this country at present, who could deliver an opinion on this subject from their personal ex-

perience; the evidence ought not to be spun out; but proper persons might be examined, as to what in their opinion would be the result of an influx of persons of all descriptions into India. He knew the noble Lord had said he had checks. But he could not see how that could be called a free trade, when a native of Liverpool might be allowed to go to India, where he could not be subjected to his own government, but that of his competitors and rivals, who might send him home without assigning any reason for so doing. He wished to see what compensation was to be held out to induce him to agree to this alteration in the Indian system. The persons who were calling for an open trade, might be admitted to be good evidence with respect to the advantages of an open trade. He had not as yet seen any thing beyond assertion on the subject. His own opinion was, that the exports would be increased by the extension to a very considerable degree; but he wanted to hear from the manufacturers what assurance they had upon this subject, as they were the persons who ought best to know where they sent their goods to. However, after the blunder they made on South America, he was not disposed to place the greatest confidence in their opinion. If they were to hazard the safety of India, he wanted to see the evidence of the great gain for which this was to be done. For the question now narrowed itself into this insignificant point—having a great Empire well governed, they were to put this Empire to hazard for the sake of an increase of trade! Was it asking too much to wish to know where that trade was to come from? And if from the evidence it should appear that this increase would be but trifling, it then became a question, whether it was worth while to risk that Empire for such a cause? The noble Lord had stated the revenue from the Indian trade to be 400,000*l*. Suppose that revenue doubled by the alteration—if persons of experience were to tell them, that to come at this they might hazard the overthrow of their Indian Empire, would any man say, that in such a case the increase of revenue ought to have any weight on their minds? All he wanted was, that before they argued the question, they might have something to argue upon. It was not enough to say, here is a country of such an extent, with such a population, and of course this population will be induced to take off a quantity of our manufactures. He recollected a gentleman having sent out a most excellent assortment of mouse-traps to the Brazils. The gentleman

said he knew there were mice in the country, and as the traps were good, a sale was certain; but when the traps arrived, the people would not use them; it seems they had a prejudice against mouse-traps (*a laugh*). If they were to apply to the evidence immediately, it would be ready by Easter, and might be put into the hands of members before the Easter holidays. What they might lose in evidence they would save in speeches (*a laugh*). He was desirous to have the opinion of such men as Lord Teignmouth, Lord Wellesley, and Mr. Hastings, on this question.

Mr. Canning said, if any of the parties before the House wished for evidence, there could certainly be no objection to it. He knew not, for his part, whether his constituents were disposed or prepared to bring forward evidence. He did not see that it was necessary for them to support the proposition of a free trade by evidence. What the right honourable gentleman (Mr. Tierney) had said with respect to absurd cargoes, might be answered in this way—that having happened once, it was less likely to happen again. The manner in which the noble Lord had opened the subject to the House, was as temperate and candid as possible; the interests of all parties seemed to have been weighed by him deeply, and balanced against each other. The first of the noble Lord's resolutions went to affirm the expediency of maintaining the government at present existing in India. That government had received the complete approbation of the House and of the country. But in reflecting on former periods, although the contract was favourable to the present period, they ought not to forget that to the discussions which formerly took place, much of the good which now existed might be owing. He said he was as free to form an opinion on this subject, as if he represented the borough which he had given up. With respect to the China trade, admitting that the India company was a fit instrument for the government of India, and that to carry on that government, it was necessary that they should be in possession of an adequate revenue, still the question was open for consideration, whether the best revenue was the assignment of the monopoly of a beneficial trade? If it could be proved that it was possible to carry on this trade more beneficially by others, he could say, throw it open, and assign a proper revenue to the company for carrying on their government from some other source. It was a question, however, whether the country was yet ripe for this trade? He thought

it would be better not to bind up this trade during the whole term of the charter.

Mr. Grant (the director) made a few remarks on the speech of the noble Lord, most of which were inaudible in the gallery. The argument derived from the opening of the trade to the Americans was of no force; for this was an act of the British government, and not of the India company. The remedy, too, was easy. It was only to shut out the Americans. The noble Lord apprehended no danger from colonization. But many, who had resided a long time in India, thought differently; for instance, Lord Cornwallis, &c. He did not like the scheme now proposed, which went to throw down the whole fabric of the India company. He was also hostile to hurry, and wished that evidence should be heard on certain points—for instance, as to the probability of increasing the export of British manufactures for Indian consumption. It was certain that no new articles had been sent out to that country since the opening in 1793.

A desultory debate then took place concerning the communication of religious and moral instruction to the people of India, in which Mr. Wilberforce, Lord Castlereagh, Mr. Stephen, Mr. Baring, Mr. Wm. Smith, and some others, took a part.

The chairman then reported progress, and obtained leave to sit again on Tuesday.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MARCH 23.

NAVAL MISMANAGEMENT.

Lord Darnley, after adverting to the unusual disasters which had lately happened to some of our frigates, in the course of the present war with America, observed, that not only our frigates, but even our merchant ships had suffered so severely, and in such a large proportion, compared with the American losses, that there was the strongest presumption of mismanagement in the naval administration, and of a want of energy and exertion in all the departments of the government in the prosecution of the war. Without, however, prejudging the question, he should only at present

say, that there existed the strongest grounds for the interference of Parliament. Even if he were convinced that the ministers could justify themselves, still with the facts which they had before them, he should say, that they ought to institute an inquiry. Feeling it, then, to be the duty of Parliament to institute an inquiry, he should on that day fortnight submit a motion to their Lordships, with a view to the investigation of the causes that had contributed to produce the disasters to which he had referred. In doing so, he would not confine himself to the naval administration alone, but extend his motion to the other departments of government.

STIPENDIARY CURATES.

On the motion of Lord Harrowby, the order of the day for the committal of the stipendiary curates' bill was read.

Lord Harrowby then said, that as he had last year explained, at considerable length, the nature and object of the bill now under consideration, he did not think it necessary in the present stage of the business to take up much of their Lordships' time. It was necessary in justice to the public, —it was necessary for the support of the dignity, utility, and even the existence of the national church itself, that residence should be promoted, and that a competent allowance should be made to those who performed the parochial duties. He then read several passages from returns on the table, for the purpose of showing that in these respects the present state of the church establishment was deplorably deficient. To this he ascribed the lamentable progress of schism—which was so great, that, by an account which he held in his hand, it appeared, that in a given number of parishes, where the places of worship belonging to the establishment amounted to about 2500, the number of such places belonging to dissenters amounted to 3408. After some additional remarks, he concluded by stating, that if Mr. Perceval had lived a week longer, he would have brought this bill into Parliament.

The Bishop of London did not approve of the provisions of the bill, which went to impose an invidious duty on the bishops; to diminish the responsibility of the incumbent; and to create perpetual disputes between the incumbents and the curates. But as he had some hopes, that the bill might be amended in the committee, so as to do away his objections, he should not oppose its going into a committee.

The Archbishop of Canterbury said, that the conduct of the governors of the church, and beneficed clergy, had not been such as to justify the severe and harsh reproof of the noble Earl (Harrowby), whose exertions, however, for the benefit of the church, he admitted, were great. He then took a view of the history of the church, and contended, that at no time had there been a resident clergyman in every parish; although he admitted that it was highly desirable that this should be the case. But in many parishes the clergymen were prevented from residing by having no parsonage-houses. That residence was increasing, however, appeared from this circumstance, that numerous applications had been made to the governors of Queen Anne's bounty, for loans of of money to build houses, in order to enable them to reside. The governors had limited their loans to 15,000*l.* and this sum had been already issued. There were objectionable parts in the bill, but he should not oppose its going into the committee.

The Lord Chancellor said, that even if that bill had promoted non-residence, it had done a great deal of good in other respects. But it was unfortunate that when persons in the profession of the law gave their time and labour to the preparing of measures for the regulation of the church, they did not always after all succeed in satisfying the right reverend prelates. From the information he had received, however, the bill had promoted residence.

After a few words from Lords Grenville, Holland, Harrowby, and Ellenborough, the bill was ordered to be committed on Monday.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MARCH 23.

MRS. LISLE'S EVIDENCE RESPECTING THE PRINCESS OF WALES.

Mr. Whitbread rose and said, he begged permission to mention what had passed, in consequence of the step he had taken, pursuant to what he stated in the House last night, as his intention relative to a certain paper, from which he had read parts a few nights ago, concerning the examinations into the conduct of the Princess of Wales. As much

misrepresentation had gone abroad, as to the manner in which he had read those passages, and commented upon them, he must take the liberty of recalling to the recollection of the House, that in the comments which he had felt himself justified in making on the examination of Mrs. Lisle, he did not vouch for the authority of the paper which he then quoted; but only stated, that from the manner in which he received it, he had reason to believe in its authenticity. He had stated that copies of the depositions had been published; and that he understood that many of those copies published in the newspapers were incorrect. He had also stated farther, that it was his opinion, that if the questions which were put to Mrs. Lisle, according to the paper he had read, had been published along with the deposition, the unfavourable impressions against the Princess of Wales, conveyed by the deposition, would be greatly removed. But it certainly was in the recollection of the House, that he had never said of the four noble lords commissioners, that they had fabricated, or falsified, or withheld evidence given before them. What he had said was this: that if the paper put into his hands was correct in that point, respecting the question put to Mrs. Lisle, as to her opinion whether the Princess of Wales conducted herself as a married woman ought to conduct herself, contrasting her supposed conduct with that which became a married woman? then, unquestionably, he found that there was no answer given to that question. He never said that the commissioners kept back any part of the statements. He had not read all, but only a part of the questions said to have been put; and he had in observation added his opinion, (the opinion, of course, of an ignorant person), that certain questions ought not to have been put to Mrs. Lisle. He had certainly supposed, and believed, that the questions had been put down as well as the answers. If he could not state the authenticity of the paper, still he did not think himself imposed upon. Respecting his idea of the questions being put down, he could say, that he knew that in commissions instituted either by act of Parliament, or by the crown, on which reports were made, the questions put were always taken down and recorded. Such was also the case in similar matters in the court of chancery. He was, therefore, misled by those considerations, into the belief that a similar practice had obtained in this instance. He was extremely sorry that his honourable and learned friend (Sir S. Romilly) was not now in his place: but he

nevertheless felt it expedient to give the House the result of his inquiries into the subject. He was convinced, that the paper could not be received as an authentic document, after what had fallen from his learned friend: but he was still impressed with the belief, that the witness considered it correct. In introducing it, he stated it as an illustration of his argument, and had said, that if the examinations had gone forth along with the depositions, the sting would have been taken out of the deposition of Mrs. Lisle. He had, pursuant to what he stated in the House last night, written a letter to Mrs. Lisle, which he should trouble the House by reading.

COPY, LETTER TO MRS. LISLE.

"House of Commons, March 22, 1813.

"DEAR MADAM—I am exceedingly sorry to be troublesome to you, and especially on such an occasion: but when I have stated the cause to you, I have no doubt you will acknowledge the necessity I am under of addressing you.

"On Wednesday last, before I went to the House of Commons, a paper was put into my hands, of which I send you a copy enclosed.

"I was assured it contained an authentic account of your examination before the lords commissioners, on the conduct of the Princess of Wales.

"Believing in the integrity of the person who made the communication to me, I used (as I was told I might truly do) the paper in the House of Commons, and as I thought that justice demanded I should.

"Lord Ellenborough has this evening declared in the House of Lords, that the paper is a false fabrication, as I understand from those who heard him; and the other commissioners have expressed their opinions, although more mildly, to the same effect.

"So circumstanced, I am compelled to ask you, whether you agree in the character ascribed to the paper by the noble Lords? If you do, I shall only have to lament, that I have been imposed upon, and to acknowledge the imposition practised upon me.

"If the paper should ever before have been seen by you, I shall be extremely glad to receive all such information as you may have it in your power to give respecting it, that I may trace the fabrication to its author. I have the honour to be, dear Madam,

"Your faithful servant,

"SAMUEL WHITBREAD."

Mr. Whitbread said, he selected the softest words used by the learned Lord. There were other words used, which were banished from the communications of the intermediate ranks of society: words which were not considered necessary for personal justification, or even for offence. In the lowest ranks, indeed, they had sunk into disregard; and if they could find a place anywhere, it must

be only in the *sacred* person of the lord chief-justice of England. To this letter he had received an answer from Mrs. Lisle, which he also read.

COPY, ANSWER, MRS. LISLE TO MR. WHITBREAD.

"Canbury, March 23, 1813.

"DEAR SIR—I received this morning your letter, with the accompanying account of my examination when before the lords commissioners, in the year 1806; and having compared it with the original document, I find them exactly similar.

"On my return from the lords commissioners, I, to the best of my recollection, committed to paper the questions which had been put to me, and my answers; and I transmitted a copy to the Princess of Wales, having previously received her royal highness's commands so to do.

"It has never been my intention to set up these recollections against my deposition; and as little has it been my wish that they should be made public. Indeed, so scrupulous have I been in this respect, that, with the exception of the copy sent to the Princess, immediately after my examination, the paper now in question was not, till very recently, seen by my nearest connections; even now it would not have been seen by them, had not erroneous statements, and garbled extracts from my deposition, appeared in some of the public papers.

"How the paper has found its way into your hands, I guess not. As I have already stated, it has not been by any act or intention of mine; but certainly the paper which you have sent me is a correct copy of the one that I had written. I am, dear Sir,

"Your faithful and obedient servant,

"HESTER LISLE."

Now, (Mr. Whitbread observed), he hoped, that neither the House nor the public would say that he had been imposed upon! (*hear, hear!*) or that there was any intermediate fabrication by the person who gave him the paper, or by Mrs. Lisle herself. (*no.*) The paper contained the questions and answers put down by Mrs. Lisle on her return from the investigation; but Mrs. Lisle observed, that she did not set up her recollections against the deposition: neither did he. It was fitting to remark a singular concidence: Mrs. Lisle wrote from her recollection; but there was no difference in the answers she put down, and those stated in the deposition, except in one instance. The answers followed in almost exactly the same order, in the account of the examination and in the deposition. He must return to his original intention, and say, that he should have thought it unfortunate for the cause of justice, and that he should have considered himself extremely blameable, if he had not, under all the circumstances, endeavoured

to take the sting out of the deposition. There, then, the House had an account of the way in which the examination was taken. If the questions were wrongly stated, and the commissioners could contradict the account, it was so far well. For his own part, he could not throw any such imputation upon Mrs. Lisle, as to imagine that she had made the slightest attempt at fabrication. There was, indeed, in another part of the paper itself, internal evidence of its authenticity: for in taxing her memory, Mrs. Lisle had, in one instance, said, that she could not put down an answer to one question, having forgotten the precise answer which she made to it. He felt very sorry, in these unfortunate circumstances, to have done any thing which could give pain to noble Lords, and friends for whom he entertained a high respect; or to any magistrate, such particularly as the lord chief-justice of the king's bench: but he had felt the paramount importance of a sense of justice to the part he had taken in the business, and which occasioned his comments. On that feeling he relied, and was upheld by it now. He thought it his duty to take some course for setting himself right; and he placed himself on the justice of the House.

Lord Castlereagh made some observations, on what fell from Mr. Whitbread, in rather a low tone of voice. Would the honourable member have thought it consistent with public or private duty to give the House that account, unless he believed it to be a true one, which he only now found out to be an authentic document? It would be, indeed, a strange perversion of all legal principles, if the recollections of a witness, after being examined with all the forms of justice, however respectable in life such a witness might be, were to be received, as it were in judgment, against formal depositions, and in derogation of the judicial character of eminent persons entrusted with the exercise of a painful public duty. His Lordship knew that the honourable member held too strongly his constitutional principles to maintain such a doctrine; and, therefore, he must contend in his behalf, that in the first instance he was imposed upon, for nothing else could have induced him to read the paper. He also must lament, that when the learned gentleman (Sir S. Romilly) was present, early the other evening, the honourable member had not communicated to him the contents of the paper, in order to ascertain what its character was, and what was that of the other authenticated

document, whose credit was to be impaired by it. He could only hope, that in this age of disclosure, the honourable member would admit, that in this respect it was imprudent to hazard such a document as he had produced, before he knew that it contained a description entitled to that credit which he seemed to mean to attach to it. He did not wish to prolong discussions on this subject, but surely the honourable member must have read it, with a conviction at the time that it was an authentic document.

Mr. Whitbread said, that the noble Lord wished to acknowledge for him, what he himself did not acknowledge. He certainly thought at the time, that the questions were as he had read them, but he denied any imposition being practised on him. He should be ashamed to throw upon another, what must be his own neglect, in failing to ascertain what was the authenticity of the document. He had not at first made the necessary inquiry to that point. There, indeed, he might be called deficient. But he must deny any charge of imposition on him by Mrs. Lisle, or the person who gave him the paper. Whatever blame there might be, rested solely on his own shoulders. He had never meant to derogate from the characters of the learned and noble Lords who composed the commission. He had only expressed his surprise, that such questions as were stated in the paper, should have been put to the witness by Lord Erskine. Had he been told, that it was Mrs. Lisle's own account, he should certainly have stated that fact to the House.

Sir A. Piggott was sorry to protract a discussion which he conceived to be unpleasant to the House, and of injurious consequence to the public. He could not, however, avoid saying, that his honourable friend appeared to him to have committed an irregularity in the production of this paper, which was sometimes called evidence, and sometimes an authentic document; and he regretted much that his honourable friend should have allowed himself to fall into so great an irregularity. The House had certainly been placed by it under a great disadvantage, as they were not in possession of any authentic document with which they could compare this paper. Before his honourable friend had made such an use of the paper, it appeared to him, that he should have at least taken every means in his power to ascertain its authenticity. He should at least have made the inquiry which he since had done, and laid it before

Mrs. Lisle. However honourable the witness might be, yet it could not be supposed possible that she, at a subsequent time, could have written down accurately all the questions which had been put to her. No person could place such a reliance on his memory, as to be certain, that an account so drawn up would be an accurate report of what had taken place.

Mr. Elliot felt great reluctance in prolonging the present debate. He could not, however, avoid saying, that the impression made on his mind, and, he believed, on the minds of a very great proportion of the House, from the statement of the honourable gentleman, was, that the evidence had been really taken down, question and answer, except in the case of the deposition of Mrs. Lisle. The honourable gentleman had stated the deposition signed by Mrs. Lisle to be only an abstract of her evidence. It appeared to him, that in producing this paper, he had introduced a principle which would go to attack all the recorded testimony of the country. If the after-recollections of a witness were allowed to be set up against the authentic deposition, taken in a manner so formal and solemn, he did not see how any recorded testimony could be supposed to possess any validity. He was acquainted with Mrs. Lisle, and knew that she was entitled to the high estimation with which her name had been spoken of in the House; at the same time, he was pretty sure that Mrs. Lisle could not place so much reliance on her memory, as to be perfectly certain that she recollected exactly every question that was put to her in the course of a long examination. This was a stretch of memory beyond what any professional gentleman could pretend to.

Mr. Whitbread said, that this paper had not been set up generally against the deposition, but as to that particular question respecting the words, "married woman," which he thought was very material: in that, he thought it was no great stretch of memory to suppose the witness had a distinct recollection. When he considered the deposition as an abstract of the evidence, he only meant that the answers had been given abstracted from the questions. If the paper had been a contradiction to the deposition, he certainly would not think it ought to have been set up against it. He had never meant to impute to the commissioners that they had taken down as evidence that which the witness had not said,

Sir S. Romilly said, that his honourable friend (Mr. Whitbread) had been quite incorrect in his supposition, that any part of the evidence had been burnt or destroyed. There had been only one examination taken down of the evidence of any witness, and no minute or copy was kept of it. In many of these depositions, there had been considerable alterations at the request of the witnesses. He could not, however, absolutely take upon him to say, that in some cases where there were many of such alterations, there might not have been a copy made.

Mr. Ponsonby thought that there could not be a stronger illustration of the frailty of memory, than that his honourable friend (Mr. Whitbread) could not now remember, with any accuracy, what was his statement the other night. The impression which his statement had conveyed to his mind was certainly, that the commissioners had set down something contrary to what the witness now alleged to have been her evidence. That this had been the impression on his mind he had then stated to the House, and had thought it necessary to send a note to his right honourable and learned friend (Sir S. Romilly), to request an explanation relative to this statement. If a witness were afterwards to give an account of a transaction different from his deposition regularly taken, the effect of this would be to destroy the credit of such witness. He thought he had some cause of complaint against his honourable friend (Mr. Whitbread), who having sat near him for some time before he made his statement, never intimated to him, that it was his intention to bring forward such a charge against the four noble commissioners; with three of whom, at least, he had lived in the greatest habits of intimacy, and whose honour was as dear to him as his own. He could not help saying, that the impression made on his mind, by the statement, was, that the commissioners were charged with having submitted to his Majesty, as the deposition of Mrs. Lisle, something which was substantially different from what that witness meant to say. A graver and more serious charge could not have been made on men, who were upon their oaths, discharging a painful duty, in which the character of one of the most illustrious persons in the nation was concerned. If they had acted in such a manner, he thought they would be deserving of impeachment, and the most serious punishment.

Sir F. Burdett could not see any grounds for attacking

the honourable gentleman (Mr. Whitbread), who had brought this important subject forward, in a manner which was highly creditable to his great abilities and to his strong sense of public duty. So far from regretting that the subject had been brought forward in the manner it had been, he thought that it was most fortunate for the public that it had so come forward. He thought that it must be supposed to convey the greatest satisfaction to every person in the country, to find, that in consequence of the manner the business was brought forward, innocence had been made apparent to the world, and the fullest conviction was produced on the public mind, that the object of all those inquiries was completely innocent. He thought that the right honourable gentleman (Mr. Ponsonby) had himself shown want of memory in the representation which he had given of the words of the honourable gentleman. The whole of the proceedings before that commission were so anomalous, that he could not be surprised if irregularities had taken place. When he considered the mode of the examination, he could see no analogy between it and the usual mode of taking examinations in open court or before magistrates. It was altogether a secret proceeding, and a witness might be allowed to feel and express her sense of any thing which appeared to her to be incorrect in it. If the honourable gentleman (Mr. Whitbread) had not verified this document before the statement, he had done so since: and he did not see any thing in his conduct deserving of the reprehension which it had met with from many members. He could not avoid returning his thanks to the honourable gentleman, for the manner in which he had brought forward this great question; and he thought that it had been productive of the happiest effect, as nothing could be more important than that the innocence of the illustrious personage should be so completely vindicated to the world.

Mr. Ponsonby said a few words in explanation, and the conversation dropped.

IRISH SCHOOLS.

Sir J. Newport, after a variety of observations on the state of public education in Ireland, concluded by moving, that a select committee be appointed to examine the same, to consider the plan recommended in the 14th report of the commissioners under the 46th of the King; and to report their opinions as to the best method of speedily extending

education throughout Ireland, and of rendering effectual the funds appropriated to that desirable object.

Mr. Peele opposed the motion, as unnecessary, because a bill on this very subject was already before the House.

After a discussion of some length, in which Mr. Wellesley Pole, and Mr. W. Fitzgerald took a part, and a reply from Sir J. Newport, the motion was put and negatived.

FINANCE.

The Chancellor of the Exchequer expressed his regret that his motion on the finance of the country, which stood for this evening, should experience any farther delay; but at that late hour it would be impossible to bring it forward, so as to give it that consideration, and do it that justice, which its very great importance required. He hoped, however, this would be the last time it would be deferred, and that when it should be fixed it would be brought on early, and receive the most full and ample discussion. The order of the day for the House to resolve itself into a committee on this subject, was then discharged, and a new order made for Thursday.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MARCH 24.

THE DUCHESS OF BRUNSWICK.

The Earl of Liverpool shortly addressed the House, in consequence of the death of this illustrious personage. On such an occasion, he felt it quite unnecessary for him to detain their Lordships farther, than to state that the melancholy event of the death of the Duchess of Brunswick, sister to his Majesty, having recently taken place, he had to move the House (as was the regular and uniform custom of Parliament), to vote an address of condolence to his royal highness the Prince Regent on the occasion, expressive of the concern and regret of their Lordships, and their participation in those feelings which must generally arise in consequence of any domestic affliction occurring in his Majesty's illustrious family. Such an address he felt must be unanimously voted by all their Lordships. The noble Earl then moved formally the address of condolence to his

royal highness the Prince Regent on the above melancholy occasion: it accorded with the spirit and substance of his Lordship's preliminary observations; and being read by the lord chancellor, was forthwith voted by the House.

The address of condolence was ordered to be presented to the Prince Regent by the Lords with white staves; and the House immediately adjourned till to-morrow.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 24.

THE DUCHESS OF BRUNSWICK.

Lord Castlereagh was sure the House would feel that there were occasions when their customary usages ought to be dispensed with; they would feel that on any occasion like that which he was about to bring under their notice, not only would they be justified in not adhering to those parliamentary rules which usually determined the precedence of motions, but it was desirable that they should give way. When the death of any member of the royal family took place, it was a calamity most important to the House and the country. When, therefore, any branch of that illustrious family, under whose mild and beneficent sway this country had so long been happily governed, and under whom it had reached its present height of greatness and glory; when any one of that family paid the debt of nature, it became the representatives of the people readily to approach the foot of the throne with their condolence. Without pressing further on them the propriety of taking such a step on so melancholy an occasion, he should move an address of condolence to his royal highness the Prince Regent. His Lordship then moved—"That an humble address be presented to his royal highness the Prince Regent, expressing their deep concern at the great loss his royal highness has sustained in the death of the Duchess of Brunswick; to condole with his royal highness on that melancholy occasion, and to assure him that that House would ever participate with the most affectionate and dutiful feelings in whatever affected the happiness of his royal highness's family."

Sir F. Burdett did not rise to oppose the motion of the noble Lord; but feeling as he did, that the event to which

it referred was one that more deeply affected her royal highness the Princess of Wales than any other member of the royal family, he thought an address of condolence ought also to be voted to her royal highness.

Lord Castlereagh said there had never been an instance of the House carrying its condolence to the throne, and he was sure the honourable baronet would feel, that it might lead the House into considerable embarrassment, if the practice of voting addresses of private condolence were ever introduced.

Mr. Whitbread understood the noble Lord to say, that there was no instance of the queen or the royal consort having been so addressed on such an occasion. If this statement were correct, it would not be proper; on the contrary, it would be improper to vote the address of the honourable baronet: but if the queen or the royal consort had in any instance been waited on with an address of condolence on the death of a member of the royal family, he thought it was now their duty to carry such an address to the Princess of Wales. He was sure the noble Lord would not take it ill of him if he called for the authority of the chair on this subject.

Lord Castlereagh was not aware that such an address had ever been voted to the queen; but if it could be proved that such a proceeding had taken place, he was still by no means prepared to admit that the situation of the wife of the Prince Regent was the same as that of the queen.

The motion was put and carried.

PETITION OF SIR JOHN AND LADY DOUGLAS.

On the motion of Mr. Cochrane Johnstone, the petition of Sir John and Lady Douglas was read; and

Mr Cochrane Johnstone then said, in rising to call the attention of the House to the petition which had just been read, he would, as he laboured under severe indisposition, be as brief as possible. He believed—he was persuaded that the House would agree with him, that the petition of Sir John and Lady Douglas was nothing more than an impudent attempt to give a colouring of truth in the eyes of the nation to the falsehoods they had sworn. The petition, however, was before them; but in justice to her royal highness the Princess of Wales, he thought it ought not to be entered on their journals without giving it some mark of their reprobation. Some might think it was

wholly unworthy of their notice, and that by noticing it, they would give it a degree of importance which otherwise would not be attached to it. He thought differently, as he felt they ought not to confine their view of it to the case as it stood at present. [Here the honourable member was for some time unable to proceed from indisposition; he, however, expressed himself anxious not to postpone the motion, and wished to be allowed to read a paper, which he produced, and which proved to be a written speech.] Proceeding to read the paper, he repeated his reason for thinking the petition ought not to be passed over without notice; and contended, that if it were so passed over, this circumstance might hereafter be taken as presumptive evidence, that it was not thought wholly unworthy of credit, and thus something of a colour of truth might be given to the calumnies which had been circulated against her royal highness the Princess of Wales. He therefore wished some mark of reprobation to be put upon it, to guard against such an effect. The petition appeared to him to originate in a wish to persevere in the most detestable falsehoods.

Mr. Rose spoke to order. He was sorry the honourable gentleman was so much indisposed, but he conceived that ill health was no plea for reading the paper he had produced. It appeared to him, that as much exertion was required to read that paper as to speak; and it was contrary to the forms of the House to admit of such a practice—as thus reading a paper, a member might offer the sentiments of another as his own.

Mr. Tierney said, this form had been dispensed with on former occasions; in one instance he recollected permission to read his own speech, or to let another read it for him.

The Speaker admitted the forms of the House. He had to reproach himself for not having interfered before. He had forborne to do so on account of the indisposition of the honourable member; it was a rule that no member should address the House but upon his legs. In some cases of indisposition, however, members had been indulged with permission to speak sitting.

Mr. Whitbread recollected a case (that of Sir John Cox Hippisley) which was still stronger. He was so ill that he could not attend the House, and on one occasion another member brought down the speech which he had intended to make, read it to the House, and afterwards took a part in the debate.

Mr. Rose said, all he contended for was, that if the honourable gentleman was able to read it, he was able to speak it.

[Here a pause of some length ensued. The honourable member (Mr. C. Johnstone) was loudly called on to read by many members, which was opposed by cries of "*no*!" from others. The call for him to read predominated.]

Mr. C. Johnstone then went on to say, that the petition appeared to him to have only originated in a wish to persevere in the detestable calumnies which they had before promulgated. This conduct was part of a settled deliberate plan for hatching false charges against her royal highness. He had been in hopes that the proceedings on this subject might have terminated with the motion which he had brought forward some weeks ago. No man was more sorry than himself that it was still necessary to agitate the subject, and he would not have returned to it but for the audacious attempt of the petitioners to impose on the country. He concluded by moving—"That the petition of Sir John Douglas and Charlotte his wife, laid on the table of the House on the 16th of March, is regarded as an audacious effort to give, in the eyes of the public, a colour of truth to the falsehoods before sworn to by them, in prosecuting their infamous designs against the honour and life of her royal highness the Princess of Wales."

Sir F. Burdett seconded the motion.

Mr. Herbert rose, but could not be heard for some time, from the loud cries of "*question, question*!" which burst from all parts of the House. He opposed the motion. He could not consent to express such an opinion on the evidence of the petitioners, on which they might still have to act as judges; against such a resolution he would raise his voice, and though he might stand alone, take the sense of the House on the subject.

Mr. Whitbread contended, that no regular grounds had been laid for the motion, which declared that Sir John Douglas had attempted to set up, in the eyes of the public, that evidence as good, which had been proved to be false. They had not that evidence before them, and therefore, whatever his sentiments were on the subject, and the more he reflected on it, the more he was satisfied that their evidence was false from beginning to end, and a part of a most wicked and atrocious attempt on the honour and life of the Princess of Wales; still, as they had not the documents

before them, on which such a resolution should be founded, he would not concur with the motion. He thought it would be better that the House should resolve not to take it into consideration at all; and that the previous question should be moved to get rid of the subject, or the order of the day passed on to, or any other mode adopted, which would enable them to quit the subject without giving an opinion on it; if, however, he must say aye or no to the question, his vote would be no, for the reasons he had already stated.

The Solicitor-General said, if the last speaker but one had been interrupted by the impatience of the House for the question, it was not because they were so favourable to the motion that he (Mr. Herbert) was likely to stand alone against the proposition before the House. He was sure that if it was not unanimously negatived, it would only have the voice of the honourable gentleman who brought it forward, and of the honourable baronet who had reluctantly seconded it in its support. He had but one sentence to offer on the subject, and that was this—he hoped no previous question would be put upon this most unfair, and if it could possibly pass, most disgraceful proposition, but that it would be met by a direct negative. The motion was of a nature subversive of all justice; and the House of Commons, if it could entertain such a proposition, instead of a blessing, would be a curse to this country.

Sir F. Burdett wished to point out the awkward predicament in which the House was placed. They were obliged to let the petition lie on their table. The petitioners asked to re-swear the evidence which they formerly gave. He had no doubt they knew it was impossible for the House to grant the prayer of the petition; and they were thus brought, by a sort of trick, to let it lie on their table. His opinion was, that all petitions ought to be received, or he would have opposed this petition in the first instance. In justice to the motion before the House, he must say, that, whatever technical objections might be raised against it, every man must subscribe to the truth of the proposition which it embodied.

Mr. Tierney wished to say nothing at all on the subject. It was proposed, that they should declare the petition to be "an audacious attempt to give a colour of truth to falsehood." This he could not do; and if he were to give a negative to the motion, it would be to say, it was not so—

(*no, from the ministerial bench*).—Then he did not know what was meant by a negative. He wished the order of the day to be moved to get rid of it, without giving an opinion on the subject. Where could be the harm of doing this? If it could be said, that voting in the negative on it was not asserting that the petition was not what it was described to be in the motion, he had lost all idea of the meaning of the words "aye" and "no."

The Solicitor-General denied, that to negative this motion was to negative the character of the petition given in the motion. If he had moved an amendment which went to give it another character, then the objection of the right honourable gentleman would be well founded, as in that case he would have called on the right honourable gentleman to give the petition a character. If a person asked him to say black was white, and he said he would not say so, did he not, acting thus, give an opinion on the subject. Called upon to say this petition was scandalous, refusing to say so, was not to assert that it was meritorious.

Mr. Tierney maintained, that by negativing the motion, it might hereafter appear to the historian, that as it was produced to pronounce the petition to be "an audacious attempt to give the colouring of truth to falsehood," and as the motion was negatived, that the House of Commons decided it was not an audacious attempt to give truth the colouring of falsehood.

Mr. Barham desired to know what was the use of the previous question, if they were not to avail themselves of it to get rid of a motion like the present? He wished the learned gentleman could be allowed to show to what case the previous question was applicable, if it was not applicable to this.

The Solicitor-General did not wish to criticise the various modes of getting rid of a motion. It was sufficient for him to perceive that there was a strong feeling in the House in favour of one particular course on the present occasion, to induce him in this instance to give way. He had therefore to state that he had no objection to move, "that this House do no adjourn."

This proposition appeared to meet with general approbation, and the motion for an adjournment was immediately put and carried.

HOUSE OF COMMONS.

THURSDAY, MARCH 25.

The Chancellor of the Exchequer moved the order of the day for taking into consideration the

FINANCES OF THE COUNTRY.

Mr. Huskisson rose and said, that he had never offered himself to the attention of the chair with feelings of so much anxiety as on the present occasion. He hoped he should meet with the indulgence and candid interpretation of the House, not only on account of the vast importance of the measure, which affected our establishment in peace as well as war, the internal and external resources of the country, but on account of the difficulty and intricacy of the subject, which not being very familiar to many gentlemen, would require a greater degree of clearness and perspicuity to make it immediately intelligible, than, he was afraid, he should be able to give it. Though he might fail in the task which he had imposed upon himself, he should have considered it as a dereliction of duty not to have made the attempt. The present discussion was indeed on a subject very different from those which they had lately had before them—discussions which he hoped would be no more heard within the walls of that House, and which ought, by every possible means, to be discountenanced out of doors, for the honour of the country and the age. Before he proceeded, he could not but pay every acknowledgment to his right honourable friend the chancellor of the exchequer for the freedom with which he had communicated his papers, and afforded every explanation which had been desired of him. Trusting that he should have credit with his honourable friend, and with the House, for the perfect sincerity of the motives by which he was actuated, he should proceed to state the grounds of his opposition to the proposed measure. Its effects, if persisted in, would be no less than to risk the loss of all the fruits of the last 20 years. If the war continued, it would expose us, he would not say to the possibility, but to the probability, of forfeiting that public credit which was the best support of our internal prosperity, and of the rank which we so proudly held among the nations of the world. This was not the only evil of the measure. It was a violation of the public faith and justice, and he trusted

that the House would look upon this question, not as a mere financial discussion, or arithmetical calculation, but as involving the more extended considerations of national character and honour. A narrower ground of objection to the proposed plan was, that it would end in the ruin of the sinking fund system. It would disfigure and half pull down the edifice which had been erected by Mr. Pitt, as the monument of his fairest fame. It had been always held by himself, by his friends, and by his enemies, as the greatest service he had performed for his country. On his friends then he would call, and he would call on the candour of his political opponents, to assist his feeble efforts to preserve the immortal fabric which that great statesman had left us, in all the beauty of the original design, the strength of the material, and symmetry of the proportions. He should trouble the House with a short sketch of the history of the sinking fund. At the close of the American war, Mr. Pitt found our credit at the lowest ebb, our resources apparently exhausted; yet such was the solidity of those resources that at the end of three years, in 1786, he was able to provide for the current expenses, and to lay aside one million annually for the liquidation of debt. The original plan was, that a certain sum should be placed in the hands of commissioners, to remain there till it amounted to four millions, at compound interest, then to be applied to the purposes of a sinking fund, and the surplus to be set free for defraying any additional expenses, or meeting any unexpected exigency. This was not all. He wished to make provision for a future period, by devising means against the excessive accumulation of public debt: hence it was a primary object, in his mind, when he formed this plan, to guard against the possible alienation of the sinking fund to any other purposes whatever. In 1792, he brought forward a plan, of which the greatest recommendation was this, that the principle of redemption was interwoven with the debt itself—that the moment any debt was contracted, that debt furnished out of itself the means of re-payment within a limited period. This Mr. Pitt had insisted on as its principal recommendation; and this very feature had been made a ground of objection, inasmuch as it placed the re-imbursement of the debt incurred out of the reach and beyond the controul of Parliament. [Here the honourable gentleman requested that the third section of the 55th chapter of 33d Geo. III. should be read, after which he proceeded]. The effect of the clause to

which he had referred, was simply this, that some such redemption was to take place as should liquidate the debt in 45 years, and that whenever any loan was made, from thenceforth there should issue from the exchequer, as a matter of course, from which there could be no deviation, a sum equal to a hundredth part of the capital stock created. The government might say they would pay it off by instalments quarterly, or by raising a sinking fund, not immediately, but within the time prescribed, so that the loan might be repaid within 45 years. But failing in either of these modes, then the one per cent. must issue as a matter of course from the exchequer. The principle on which the rate of one per cent. had been fixed upon, was this, that one per cent. in three per cent. stocks would reduce the whole 100 in about 45 years. At the period when the act passed, the public debt consisted chiefly in three per cent. stock; consequently, the sinking fund accumulating at three per cent. would reduce the whole amount of debt contracted in 45 years, but not sooner; so that this period of 45 years was fixed upon as a sort of *maximum* of time in which the sinking fund, if not acting with accelerated velocity from the depression of public credit, would necessarily reduce the public debt. Since the period of 1792, whenever any debt was contracted, this was understood to be the basis of the agreement between the chancellor of the exchequer and the contracting parties. Or if he did not tell them so, the law did, that the one per cent. would issue as usual. If the funds were at par, it would clear the debt in 45 years: in proportion as they were depressed, the period would be accelerated. At the time when many of our loans were contracted for, the funds were at a depression that would give to the regular operation of the sinking fund, the effect of a two per cent. issue, and pay off the loan in about 23 years. Consequently the lenders were induced and compelled to give the public better terms: this was the advantage on the side of the public, and the advantage and the obligation were surely reciprocal. If he had succeeded in making himself intelligible, the application was obvious. All loans since 1792 had been made on the option of one per cent. This was the foundation of that system. But the foundation of the present plan is, that Parliament is at liberty so to modify and regulate the redemption of debt incurred since 1792, as to extend it to the full period of 45 years, instead of the shorter term (in some cases one-half) at which it would

otherwise have been reduced. If so, then the question of public faith arising is this, whether, having made the option of one per cent. and having derived a benefit from this, the issue of that one per cent. does not infer a plain duty? The words of the act of 1792 were so plain that he thought it useless to explain them to the committee. Whether they looked at the particular section which had been read, or at the whole chapter, they must come to the same conclusion. By the fifth section, the issue of one per cent. was to be made in the order in which the loans were made; by the seventh, a regular account was to be given of the issues; and they all agree that the issues should continue till the debt was liquidated. He should wish to take the opinion of persons most conversant with the laws on this subject; he might say, that he should almost claim this on the part of the public creditors. They had no appeal from the power of Parliament, but to their justice and the law. He would ask the chancellor of the exchequer, when it was that the discretion to be assumed in the payment of debt commenced after the act of 1792? If in 10 years, why not in 10 days? Could this measure have been carried with effect two moths afterwards? His right honourable friend might tell him that this would have been a breach of contract: but if it would have been a breach of faith between the public and the original contracting parties, would it be less so between the public and the alienees of those contracting parties? He also begged to ask his right honourable friend, whether, if he if he had the power thus to alter the mode of accumulation, he did not likewise possess the right of changing the mode of issue of the one per cent. sinking fund? When this measure was first introduced, it was stated, that the construction put by Mr. Pitt upon the act of Parliament, was that now suggested: but with all his respect to the memory of that deceased statesman, Mr. Huskisson felt more inclined to adhere to the letter of the act, and to imagine that Mr. Pitt's opinion had been mistaken or misrepresented. His right honourable friend, however, in triumphantly calling to his aid, the assistance of the founder of the system, had not produced any direct testimony of a positive declaration, but had merely inferred from Mr. Pitt's proposal of the financial measures between 1798 and 1802, and his concurrence with that of Mr. Addington of 1802, that his opinion was in favour of the interpretation now offered. In the first place, it would be right to inquire what were those arrangements.

The public credit in 1798 was in a very depressed state, and Mr. Pitt proposed to raise a large sum of money by increased taxes, called a triple assessment, and to couple with it a plan for the more rapid reduction of the national debt; the principle was not to accumulate, but to prevent the accumulation of debt; and for this purpose, besides the sinking fund of one per cent. the income tax itself was mortgaged, a measure which, if continued, would have redeemed the debt in the course of five or six years. To contradict the inferences to be drawn from these facts, however, the right honourable gentleman contended, that Mr. Pitt had subsequently postponed the redemption of the war loans, until the termination of hostilities, that might be continued for an indefinite period. This argument, however, would not apply, unless it could be shewn that the Parliament and the prime minister contemplated the perseverance in the war during 45 years. What was the fact? In 1802, peace was concluded, and Lord Sidmouth repealed the act which mortgaged the income tax, before the object for which it was mortgaged had been attained; but in this proceeding Mr. Huskisson contended, that there was no departure from the spirit, or indeed the letter of the act of 1792. The 56 millions of war loans then became part of the debt, and government had the option either to appropriate to it a distinct sinking fund, or the one per cent. sinking fund applied to the general purpose; and it was determined to liquidate it by a sinking fund, not to commence at the time of the loan, but at a future period, early enough, however, to redeem it prior to the expiration of 45 years. This method was perfectly consistent with the original plan, and if any one thing were required, as to the obvious meaning of the act of 1792, he begged to refer to the report of the finance committee of 1797, which, in its concluding paragraph, stated that the new, and not the old sinking fund was applicable to the reduction of the debt arising from the prosecution of the American war. The truth, however, was, that the chancellor of the exchequer upon this point laboured under a complete mistake; and in justice to the memory of Mr. Pitt, Mr. Huskisson felt it his duty to state a fact which he was ready, if necessary, in any way to verify. In the year 1802, when the bill for the consolidation of the old and the new debt, and sinking fund was before the House, and when the attention of many persons in the country was of course called to the subject, an individual, eminently skilled

in calculations, and of great acuteness, put into his hand a very ingenious statement of the nature and operation of those measures; the conclusion was a recommendation, that after the consolidation of the debt, it would be right, at stated intervals, perhaps every seven years, to measure the sinking fund with reference to the amount of the debt then remaining unredeemed; and whatever the proportion might be above the sum necessary to reduce it entirely within the period of 45 years, that surplus should be applied to the public service instead of additional taxes. This scheme he communicated to Mr. Pitt, who having carefully inspected it, returned it with terms of severe reprobation, declaring in stronger terms than Mr. Huskisson would now use, that for a state of war the plan was wholly inadmissible, and that for a state of peace he had other views which would guard against the apprehended evil. (*hear, hear!*) The principle of this scheme, and of that of the present chancellor of the exchequer, was precisely similar, excepting, that with the latter was connected an immense complication of machinery, the only effect of which was to perplex and delude. The times indeed were different; in 1802 we were at peace, when the plan might perhaps be feasible, but now we are engaged in an expensive and indefinite war. The principle of both plans was, however, identical; that in time of war we might push the debt to the *maximum* of the amount, and to reduce the sinking fund to the *minimum* of its power within the period of 45 years; such a scheme, he was convinced, if adopted, must ultimately prove the ruin of the nation. It should be recollected that the whole debt was now in the market, and the political effect there, must be injurious; a debt of 100 millions perhaps ought not to be reduced, but a debt of 1000 millions, even with a sinking fund of 10 per cent. might destroy public credit. Such chimerical calculations might appear very splendid and promising in the closet, but they would be fatal to the purposes of government on the stock exchange. He illustrated this part of his subject by an allusion to Queen Anne's bounty, the destruction of which he supposed in the intention of ministers. With regard to the grand object of postponing the imposition of new taxes, the plan in the opinion of his right honourable friend might possess advantages which Mr. Huskisson could not discover, but all the minor calculations of benefits seemed calculated to perplex and to with-

draw the public attention from the real design. Those advantages were stated to be four. 1. That this plan provides for the gradual and equal reduction of the national debt. 2. That it provides against the evil of too rapid a diminution of the rate of interest. 3. That it affords a subsidy of 120 millions for the immediate purpose of carrying on the war. 4. That it enables government to accumulate after the conclusion of the war, a further treasure of 100 millions as a provision against future hostilities. The last mentioned benefit was stated to be an advantage that no other country in the world ever enjoyed. The chancellor of the exchequer seemed to think, that too much had already been done for the reduction of the national debt, as if he forgot that there yet remained 600 millions unredeemed, and at the very time when we were increasing that amount, by borrowing in every year twice as much as had been usual, it was proposed to reduce the means of liquidating it to one-half its present power. In two years a debt had been incurred that could not be liquidated in six years, and yet it was recommended that the means of defraying it should be lessened in the proportion of one-half. (*hear*!) For the service of the present year, a loan would be required of little less than 40 millions, including the sum for India, and yet this was the period chosen for putting a stop to the reduction of the national debt. All the recent fortunate events on the continent, all our successes in the peninsula, had not enabled the chancellor of the exchequer to raise a single pound, much less 40 millions, at the legal rate of interest, and yet this was the period selected for a financial experiment. (*hear, hear*!) Last year, his right honourable friend had been called upon to lend his aid: he was desired to visit and examine the patient; he reported that he found the pulse of the nation in a very low state; something must be done, and he promised a restorative that would restore the patient to all the former vigour of his constitution. He had now visited the sick for the second time, and what was the report he made: "Why" said he, "upon turning the case over in my mind, it strikes me that there is something in your constitution, that, about the year 1830, may, if care be not taken, expose you to the inconvenience of repletion; therefore, instead of the powerful invigorating restorative that I promised you inconsiderately, I must prescribe an immediate copious bleeding. (*hear*!) To be sure, I see you are in a very weakly state, but you must be instantly

phlebotomized; there is nothing like it for restoring a man in a consumption to health, and this bleeding must be followed by three others in rapid succession!" (*hear, hear!* and *laughter*). Such was the prescription of his right honourable friend, but every other man in the profession dreaded the most fatal consequences from such mistaken treatment. When this magnificent and astonishing scheme was first ushered into the world, Mr. Huskisson had imagined, that his right honourable friend had done nothing less than made a discovery of that which many had lost their lives to obtain, the philosopher's stone, which was to obtain for himself and his friends the title of the golden administration: at least, it might have been concluded, that in the diligence of his search, the chancellor of the exchequer had discovered a hidden treasure in some secret drawer; but little was it imagined that the whole plan was to accumulate fresh debt, and that the hopes of millions were to be disappointed by the destruction of the funding system. He talked of accumulating treasure such as no nation ever before possessed; true, and for this reason, because no nation was ever qualified to possess it, since the necessary preliminary was to run into debt: this was the first time he had ever heard that the way to become rich was to involve yourself as deeply as possible in debt; such a treasure any other country never did possess, never would wish to enjoy, and never would envy us the accumulation of. The right honourable gentleman seemed to make no distinction between incurring debts and amassing wealth; because we were gradually devoting a certain sum to pay off incumbrances, it was immediately concluded that unbounded wealth was pouring in upon us from all quarters. The right honourable gentleman ought to be informed that the national debt was not wealth, but the melancholy record of wealth consumed. He admitted that this plan would postpone the necessity of raising taxes, but he warned the House against rejecting the experience of former Parliaments upon this subject; the utmost extent of the postponement would be three or four years, and in alluding to this part of the subject, the right honourable gentleman made a statement which appeared somewhat paradoxical, that at the end of the period, the country would find itself with a debt greatly increased, and yet with the charge upon the debt rather diminished; for it was impossible in 1830 that the debt should not be much greater if the means of diminution are lessened. Mr. Hus-

kisson then read a passage from the 9th page of Mr. Vansittart's pamphlet, in order to correct what he considered a mistake, and drew from it a conclusion that in 1830, there would be a great increase of debt unredeemed, and among other amounts, the 28 millions of taxes that would then be thrown upon the public. He contended, that the chancellor of the exchequer had taken credit in his tables for the amount of debt in each year, but had not set against it the taxation incurred in each year, and argued, that if the present mode were continued, in 1830 the country would labour under four millions of taxes less than by the new scheme, which would also add 313 millions to the national debt: the sinking fund, also, by Mr. Vansittart's proposal, would amount to two millions less than according to financial arrangements at present subsisting; the whole unfunded debt, if these propositions were carried into a law, would amount to 1047 millions, instead of 600 millions. Upon the whole, we should find in 1837 that we had to pay four millions more taxes; the national debt would be increased 366 millions, and the sinking fund would sustain a deficit of five millions. If his right honourable friend persisted in his proposed measure, the results of it, in comparison with the existing system, at successive future periods, should be brought before them; viz. what the effects would be on the average amounts, the sinking fund, the unredeemed debt, and the taxes. It had been argued that a demand for the same amount of taxes would not exist, as it was probable that circumstances would arise which would render them unnecessary. But would it not be better to remit them, when those circumstances might arise, and should we not thus much sooner than by his right honourable friend's proposed measure, return to his right honourable friend's *desideratum* of finance—equalization of our taxes to our expenditure? We should, under the proposed system, revert to the infancy of the sinking fund, and reduce it to its *minimum*; viz. what is sufficient to reduce the existing debt in 45 years. When this system of encroachment was once begun, might not any future minister, when the sinking fund had again risen to 12 millions, while the debt was 600 millions, use the same reasoning as his right honourable friend had made use of, and again reduce it. When would such encroachments stop, till the period should arrive, when the sinking fund, if it were worth while to inquire about it, would be found to exist (as one of the marshals of France

had said of the French grand army) only in name. The scale of the proposed reduction was infinitely greater than any antecedent addition which had been made to it. It would have the effect, unless favourable circumstances, not to be expected, of consuming more than 200 millions of the sinking fund, a sum equal in amount to the whole debt which the country had contracted antecedently to 1785. With all his respect for his right honourable friend (Mr. Vansittart), and the obligations he was under to him for the manner of bringing forward these propositions, he (Mr. Huskisson) was decidedly of opinion, that the proposed measure would be injurious to the finances of Great Britain. It was not very judicious to put temporary convenience into the balance against injuries to public credit. They should act with more circumspection in this case, because they were both party and judge, and decided without the possibility of appeal. A loan was the sale of annuities, of which annuities, the aggregate formed the debt of the country—and for the reduction of these annuities, a certain sum was set apart, under the name of the sinking fund. It was easy to perceive, that when a greater quantity of these annuities were brought into the market, and a smaller quantity reduced by the sinking fund, the supply would so much exceed the demand, that the price would be much diminished. The best criterion of the truth of this would be, to observe the effect of the loans on the market, on which they required more information than his right honourable friend had given them. When loans were kept nearly on an equality with the amount of the sinking fund, the funds and credit rose. In 1807, when the addition to the debt was only three millions, the funds rose from 62 to 63 and a fraction—in 1808, they rose to 67—in 1812, they sunk to 62—and in 1813 to 59. Thus the price of the funds deteriorated, as the loans increased, notwithstanding the operation of the sinking fund. While such a difference was made in the value of the property of the public creditors, would it be said that this class of men were not affected by the present measure? It had been said that the injury which might be inflicted on them would be compensated to them by the diminution of the taxes. There were many objections to such a mode of reasoning, against resorting to equivalents instead of adhering to the terms of of a contract; but the public creditors did not look to their immediate advantage only, but in a compound way at their

present interest, and the future state of their capital. That this was the case, might be seen by observing that the three per cents. were always at a higher price in proportion to other stocks. Some time ago, when he (Mr. Huskisson) bore a part in the negociation of the loan, he had proposed, in order to avoid the great nominal increase of funded debt, that the three per cents. should be made redeemable at 80. This proposal was universally scouted. If the right honourable gentleman doubted this, he might try on what terms he would be able to negociate a loan of three per cents. redeemable at 60. As to the manner in which the government would more immediately be affected by this measure, it would, by being inconsistent with public faith, be inconsistent not only with sound policy, but with our most immediate interests, arising out of that policy. He could not but think, that it was ill judged to affect the public credit in this manner, when there was the greatest necessity for trusting to it, and when it had, for the last two years, rose to such a degree. Was it indifferent to the country, whether the rate of interest was at five or seven per cent? and was it not worth while to make some exertions to bring it to the legal rate? By injuring the public credit, they could not think to increase the revenue, as commercial enterprise must be crippled by the difficulty which must ensue, in the event of such an advance of the rate of interest in procuring the requisite capital. An argument which had been urged in favour of this plan was, that it would make a favourable impression on our friends, and impress our enemies with dread. Of all the consequences which had been deduced from it, on this he (Mr. Huskisson) placed the least reliance. On the continent, at least among the thinking classes, the sinking fund was regarded in the most favourable manner. This opinion, indeed, had been warranted by our own language and actions, and it was accordingly looked on as the perennial source of our constantly renewing exertions. They had seen, that at the period of our greatest distress, in the year 1797, when the bank had stopped payment, and the fleet was in a state of mutiny, we were occupied in making additions to this fund. As a further proof of this, Bonaparte himself had established a sinking fund, purporting to be on the model of that of England. This enemy of mankind, whose plan of finance seemed to be the success of his sword, and whose means of furthering his objects were the alternate conscription and

destruction of human beings, had resorted to this measure. He admitted that it was all mockery and delusion; but, what had been said of hypocrisy, might be applied to this measure as resorted to by the enemy of Europe; "it was a homage which vice was obliged to pay to virtue." Let not his right honourable friend make the fruitless attempt, by all the tinsel and frippery of his *exposé*, to frighten the enemy of England. Bonaparte was not to be terrified by this subsidy of 230 millions, when he knew that it would not be touched if any thing else could be got at—when he knew that it was a cloak to cover a measure which would destroy half the sinking fund, and break down all the barriers which protected the remainder. It was material to the discussion of the subject, to know, that this was not the first time that improper means had been resorted to, to raise the supplies of the year. In 1809, it was proposed to meet the emergencies of the year by breaking in on the war taxes to pay the interest of the loan. This was liable to some of the objections of the present measure, as it broke in upon our disposable resources. He did not mean to admit that it was liable to objections equally strong, as public credit could not be affected by it, nor the inviolability of the sinking fund be destroyed. Let it be seen, then, what on this occasion were the opinions of the great financial authorities on that measure, and he would use their own words, to avoid the possibility of mistatement, and because the opinions were stated with more force and clearness than he (Mr. Huskisson) could attain to. The first opinion which he should read, was that of his right honourable friend who brought forward the present proposition, because that opinion would, no doubt, from its intrinsic merits, and from his right honourable friend's present situation, have the greatest weight with the House. After stating the measures which had been adopted by Lord Sidmouth, while at the head of the administration in 1802, and of which measures his right hon. friend (Mr. Vansittart) had a great share in the merit, he went on to give an account of the measures which Lord Sidmouth would have pursued if he had continued at the head of the finances; "in his" Lord Sidmouth's "last budget," said his right honourable friend, "he strongly urged the necessity of adhering to the system which he had pursued, by adding at least a million annually to the war taxes, until the income was made equal to the expenditure; and he knew that when the great object was attained, the sinking

fund would apply that relief to the public, which could not, *in justice to the stock-holder*, be made available, while the accumulation of the debt continued." This was what he (Mr. Vansittart) had said in 1809, and he (Mr. Huskisson) called on him, in justice to the stockholder, and in regard to his own fair fame, not to depart from public justice, or to break in on this fund, which, consistently with that justice, could not be broken in upon. "Let me not be understood," continued his right hon. friend, "to be the advocate of unlimited taxation. All taxes are in themselves evils; and there may be circumstances under which a chancellor of the exchequer would be authorised in bringing forward the measure now proposed. One circumstance would be the general impoverishment of the country, as was the case towards the end of the American war. Where, I will ask, do the symptoms of impoverishment appear? And if our means are contracted, we ought to contract our expenditure. Shall we be the richer for plunging deeper in debt? Another circumstance to justify this measure would be, if our revenue seemed to be increasing in proportion to our wants, when we might fear to impose any burthen which we could avoid; but at present, though our general wealth is increasing, our revenue is rather declining." This was exactly the case at present. "A third circumstance is the prospect of immediate peace, but this of all suppositions is the most extraordinary." This, said Mr. Huskisson, was what his right honourable friend had said in 1809, and he (Mr. Huskisson) did not know whether he had at present better prospects. To continue his right honourable friend's arguments: "The objections to this measure are, that it is a weak and delusive expedient, which must be speedily exhausted." The war taxes would, surely, have lasted as long as the sinking fund would last under the present plan. "The war taxes will be exhausted at the rate of compound interest, and when they are exhausted where are the loans to be raised." If the words "sinking fund" were substituted to "war taxes," the argument would apply exactly to the present case? "If gentlemen think (continued his right honourable friend), that after a respite from great taxation, the public will willingly return to it, they are greatly mistaken. If the people are once told that they can do without new taxes, and taste the fruits of that respite, they will be disposed to listen (rather than resume their former burthens) to wild plans of retrenchment, and chimerical projects of finance." His right honourable friend went on to show, that the word

economy was the rapid accumulation of debt; and continued, "I am ready to submit to any reasonable retrenchments; but if more is wanted, we must be prepared to furnish it." These sentiments were uttered by his right honourable friend on a trifling occasion, only on a proposition for the alienation of one million of the war taxes. Another authority was a protest in the House of Lords. "Because the present measure is subversive of the principles of the sinking fund and the war taxes, which have been invariably adhered to under all administrations during the last 23 years, and are now abandoned; and because this measure is resorted to at a time, when instead of temporary and delusive expedients, a solid and permanent system of finance ought to have been adopted, suitable to the contest of indefinite length in which we are engaged." This protest was signed by Lord Sidmouth and Lord Grenville, both of whom had for some time been entrusted with the administration of the resources of the country, and the name of the Marquis of Lansdowne was not affixed, only because he was not in that House at the time. Would it be said that we were then depressed and not in a flourishing condition? Then the loan was contracted under the legal rate of interest. Was our debt less, or were our finances more prosperous at the present moment? Another part of the subject to which he should advert, was the difference between the public credit in 1810, and at the present time. Between a loan raised at the former and at the present period, a difference of ten millions stock would be made on a sum of 28 millions only. This would be an additional charge of 400,000*l.* and on the interest of the exchequer bills there was an addition of one half-penny per cent. a day, (it being at the former period three-pence, and now three-pence half-penny), which amounted on the whole now in circulation to 200,000*l.* per annum. If then our finances were limited, the revenue, (of which no man would be wild enough to think), should we not take care, in our present situation, that this should not be mortgaged, and used up more rapidly than we could avoid? The proposed plan for two or three years of delusive ease, would leave us 20 years of difficulties—difficulties of a nature which he should be almost afraid to mention. We should be left without the means of carrying on the war, and peace we should be obliged to make on the footing of submission, and not of equality, bereft of the only guarantee for our safety. It had been suggested to him

(Mr. Huskisson) by a right honourable friend of his near him, that at a later period than 1809 his right hon. friend, who had proposed this measure, had uttered opinions inconsistent with his present proposition. In 1812, only the last year, when bringing forward his budget, his right honourable friend (Mr. Vansittart) had said, that if he had to perform the same office in the ensuing year, he should feel it his duty to propose some plan to support public credit; and by giving strength to the sinking fund, by an additional percentage on the sums raised over and above the amount of what was to be reduced within the year by the ordinary sinking fund. It would not be argued by the right honourable gentleman that this was now done, as all the additions made to the sinking fund were by reducing it. Mr. Pitt, than whom no one was a greater authority on this subject, had it in contemplation, in the last year of his life, to have raised as much by permanent war taxes as could be levied, without too great a pressure on the resources of the country, and to have given strength to the sinking fund. Mr. Pitt's principle (as in the last year of that statesman's life, he [Mr. Huskisson] had an opportunity of knowing) was to strengthen the operation of this fund in war, when it is most effectual, and reduce it in peace, when it is less necessary and less efficacious. Diametrically opposite to this was the principle of his right honourable friend, (Mr. Vansittart)—his principle was to strengthen it in peace, when reduction is disadvantageous, and during the time of war to weaken it by three or four millions per annum. Mr. Pitt's opinions on this subject, he (Mr. Huskisson) could show his right honourable friend in Mr. Pitt's hand-writing. One argument of the chancellor of the exchequer, in support of his plan, was rather an argument against it. He had said that, in the last session, the prospect of the country in the north was more gloomy than at present, that there was but little expectation that Russia could successfully oppose France, and that the continental system would not be fully established; and now, with well-grounded exultation, he had adverted to the successes of the Russians, and the probable revival of commerce. If our resources had been in the condition which they must have been reduced to, if the efforts of Russia had been unsuccessful, it was natural to have called for vigorous measures; but on what ground was our system now departed from, when our commerce was reviving, and when, notwithstanding that public credit was not at all

improved, as his right honourable friend would perceive by the inability of negociating a loan on the same terms for the present as for the last year? He was ready to admit the difficulties under which his right honourable friend laboured, and should be very willing to do his best to alleviate the burthen. As he had so long detained the House (*hear, hear!*), it would be perhaps better to leave his own opinions untouched. (*hear!*) There were in the circumstances of the war, however, means of relief not available in time of peace, and among these was relief to be expected? In the year 1819, continued the honourable gentleman, no very distant period, the imperial annuities would fall in; and in 1821, the whole of the charge of the year 1807 would also fall in. If peace were to be restored, the five per cents. might be reduced to a lower rate of interest, by which a saving of a million would be effected, He would not be disposed to go the whole length with his right honourable friend with respect to the sinking fund. He wished them to avail themselves during the war, of the resources which the war itself furnished. The situation of the country was this, there was a temporary revenue which was co-extensive with the war. The permanent revenue could not, with safety, be touched till the temporary revenue ceased to be available. What objection could there be, instead of breaking in on the sinking fund, by which the security of the public creditor might be affected, to the exchanging of a portion of the war taxes with a part of the sinking fund. His right honourable friend in the speech with which he introduced the subject to the House on a former evening, said he was ready to lay down his life in the cause of his country. No one who knew him could doubt either the patriotism or the fortitude of his right honourable friend. It occurred to him, however, that this sentiment had arisen in his bosom, when he was contemplating some very different measure from the present. When he had thoughts of following up the vigorous measures, which he announced at the close of the last Parliament, and which he supposed would draw down upon him a great deal of clamour and unpopularity, it seemed to be the prologue to a drama of a very different description from that which he had at last thought proper to bring forward. The measures which he had at last proposed were by no means new in the history of this country. Something similar had been done by a chancellor of the exchequer of a very different description from his right hon. friend, Sir Robert

Walpole. If his right honourable friend yielded to the temptation which his measure held out to him, he might procure to himself a short period of delusive peace, but he must not expect to be honoured with the praise of fortitude, or the crown of martyrdom; while imitating the conduct of Cæsar, he must not aspire to the fame of Cato.

Mr. Vansittart said, the extensive and detailed views with which his honourable friend had favoured the House, had a good deal disappointed him. He seemed to abound in misconceptions so radical of the subject under their consideration, that he despaired of being able to make him comprehend it. He would not have brought forward his propositions, if he had supposed that they trenched on the faith due to the public creditor. There was one point on which he had found a general coincidence of opinion, that the act of 1802 could not be carried into effect, and that some time or other it must be departed from. His hon. friend did not insist that it could be carried into complete execution, so he must take it for granted that he also was of opinion, that some time or other there must be a departure from it. His honourable friend had asserted, that by the present plan he was pulling down the sinking fund, and destroying the monument of Mr. Pitt's glory. But he contended, that, instead of pulling down the sinking fund, or detracting from the glory of Mr. Pitt, the plan which he had submitted would be the means of acquiring new glory to him. Mr. Pitt's memory would be blessed by those who reaped the increased benefit which would result from the measure. After all that his honourable friend had stated at such length to the House, respecting the departure from the principles of the acts of 1792 and 1802, he would maintain that there was nothing in the resolution destructive of the provisions in these acts. The act of 1792 provided, that whenever a loan should be contracted for, the public was to have it in their option to pay it off at any time within a period of 45 years. His hon. friend seemed to labour under a complete misconception of his whole plan. There was nothing in the resolutions which could warrant the statement, that the sinking fund was to be made applicable to the public service. All that was provided for by the laws now in force was, that the redemption should take place within a period short of 45 years; and by the present plan, that period would be considerably shortened. It was clearly Mr. Pitt's opinion, that, provided the redemption took place

within the period of 45 years, Parliament might vary the period of redemption, and that it was competent at any time to change the mode of it. His honourable friend had said, that the application of the one per cent. granted by the act of 1792, could not be altered; but he contended that the application of the one per cent. ceased, when the object for which it was granted was accomplished; and this object was accomplished when the debt was paid off for which it was laid on. The great object of the act of 1792, was the postponing the payment of the additional debt till the debt of a previous period was paid off. He could suppose no greater object than the imposing no new taxes during a period of four years without touching on the public faith. But supposing even it could be proved to Bonaparte, that by a plan which might involve a breach of faith with the public creditor, we should be enabled to carry on the war for four years without inconvenience, he apprehended it would be by no means a subject of comfort or consolation to him, when he found there were sufficient resources for so carrying on the war, to reflect that at a future period the public credit might suffer some injury. (*hear!*) He should not have proposed his measures, perhaps, if they had not been demanded by the importance of the crisis. His honourable friend had laid some stress on some sentiments which he had formerly delivered on this subject. He did not wish to deny or explain away what he had formerly said. He thought these sentiments just and applicable to the time when they were uttered. He was, therefore, willing to take upon himself those statements which had been imputed to him; but he would contend that the present measure was by no means inconsistent with the entertaining a different opinion at a period having no resemblance to the present. It would be rash, in his opinion, to think of now carrying on the war with any great increase of the public burdens. If the scourge of war should continue for 25 years longer, they must look for great difficulties and dangers; if the desolation which, for 20 years, had taken place all over the world, were to be continued for 25 years longer, an increase of the public debt was the least of the evils that the country had to look for. His honourable friend, in the view which he had taken of his plan, had assumed, that during the last five years no three per cents. had been issued. Now, in the whole of the last five years, of 115 millions of stock which had been created, the three per cents. amounted in all to 53

millions. He had to protest against this exaggeration; because on an enlarged scale of national debt it made a great difference in its value—it was very different, whether the value of the national debt should be 1000 millions or 600 millions. This was a circumstance, therefore, which was deserving of remark. With respect to the tables which were before the House, it was a great satisfaction to him to think that his honourable friend, after the attention which he seemed to have bestowed on them, had been able, however, to point out no error he had committed. His hon. friend had stated, that the amount of the unredeemed debt would be greater by the new plan than by the existing system. For a considerable number of years it was no doubt true that the unredeemed debt would be greater. But there was another assumption of his honourable friend, that the taxes would also be greater; and this he confessed he could not understand. In 1830, a great amount of taxes would be taken off. The practical question before the House, lay within the narrowest compass, namely, whether they would save the taxes now, or in the year 1830. They had now a positive necessity operating upon them; but they were not so sure of what might be the case in 1830. At some period the necessity must cease; and by a change of circumstances fresh burdens might become unnecessary. His honourable friend had stated Mr. Pitt's dying opinion to be the same as that which was adopted and acted on by the administration of his successors, Lord Grenville and Mr. Fox—that to meet the exigencies of the times, it was necessary to make a large addition to the war taxes. When his honourable friend stated that there was an inconsistency between his opinions at that time, and those he professed at present, he did not seem to have taken into account the change of circumstances which had taken place. All human exertions must have an end. The property tax could not possibly be carried beyond the present rate of ten per cent. The plan at the period alluded to was to carry the revenue up to the expenditure; and that plan was for a long time exceedingly successful. The people had borne these heavy impositions hitherto with an astonishing patience, which was highly honourable to the country; but the question was, would they patiently bear a large addition to the taxes, which pressed already with so much weight upon them? If it should become necessary to impose large additional burdens on the people—if there was no other alternative left—he would not

shrink from the duty, however disagreeable, which his situation required him to discharge; but he contended, that such an absolute necessity did not exist at present, and that it was possible to carry on the war without recurring, for some time, to burdens which would operate in so severe a manner upon the country. That the present measure might be productive of great advantage, while there were large loans, was perfectly true; but still it was the business of the legislature to provide the most advantageous measure in any event which might present itself. The present measure, he contended, was perfectly consistent with every stipulation for which the public faith had been pledged; and provided even for a more rapid extinction of the public debt than that provided by the law as it now existed. There was another advantage arising from the present measure, and that was, that by the operation of it there would at all times, during a period of peace, be a large fund applicable to a time of war. He was aware that there might be an objection stated against this, in as far as it might teach our government arrogance, and not to guard against the approach of war with that degree of circumspection which we would naturally observe, if the sinews of it were less easy of access. As to the idea of arrogance on our part, however, he presumed to think that was not very much to be dreaded. Of late years we had seen that our neighbours depended more on our moderation than we could feel ourselves warranted in doing on theirs. But if this country should ever become rapacious, let the crime and the punishment both be on the heads of those by whom it had been taught to become so, and also on the country itself; not on the heads of those who had provided for the country a fund for any honest emergency which might arise. He wished the present measure to be considered as a great plan of finance, beneficial in its leading principles and details, and which, at the same time, could not be injurious to any great body in the community. Look to the landed proprietors; it held out to them nothing but exemption from taxation, to which they must otherwise be exposed in a greatly enlarged degree. Look to the trader; was not he benefited by the scheme, by which the exigencies of the state were to be provided for, without laying on the articles of his trade or manufacture any of those rates which, but for this measure, the necessities of the state imposed. The stock-holder, he admitted, might with more propriety complain, and to

sacrifice any one set of men, even for the general good of the whole, he allowed, was unjust; but even to the stock-holder, though the present measure might, at first sight, seem to bear hard on him, it would be found in the result to be equally, if not more advantageous to him than to any of the other classes of the community. A person possessing property to the amount of 1000*l.* a year in the funds, would not, if to sell out stock to that extent, be able to purchase with the proceeds an income in any other shape to the amount of more than 900*l.* while the same taxes would follow him into every other situation in which he might choose to invest his money. He had stated, that he never recollected any man who thought that the act of 1802 could at any time of peace be carried literally into effect; and in this his hon. friend (Mr. Huskisson) agreed. Then, at what time, he asked, could this be done better than at the present, when time could be given for looking forward? The repayment of the national debt, due at the time of the establishment of the original sinking fund, had already taken place. The act of 1802 was not in any respect impugned by the present measure, because the plan now proposed would reduce the debt within a shorter time than was provided for by that act; so that the present measure must perform all which that act required, because it did more than it could do. There was a clause in that act giving a priority to the sums first contracted for: in this principle the present measure concurred, one of the enactments of the present measure being, that the sums first contracted for should be first redeemed. All the objections of his honourable friend, he had endeavoured to answer, and also such objections as he was aware of in any other quarter, except those arising from misconception. He should, therefore, content himself at present with the observations he had now submitted to the House, without endeavouring to anticipate any objections which might be suggested in any other quarter. The advantages of the present plan, he conceived, were great, as the relief was immediate, while the disadvantages were contingent, and might never at all take place.

Mr. Baring said, being desirous that no panic should take place out of doors at an idea of an attack upon the sinking fund, he did, on the first bringing forward of the present resolutions, state that, whatever might be the future operation of the measure, there was no occasion for indulging any immediate panic on account of it. Lest what he had

said on that occasion, however, should be construed into an approbation of the present measure, he found himself impelled, in this early stage of the proceeding, to set himself right in this respect with the House and the public. The plan of his right honourable friend (the chancellor of the exchequer), whatever he might say to the contrary, was the first which had gone the length of touching the sinking fund, notwithstanding it had all along been predicted that it would be touched the moment it was worth touching. We had seen astonishing instances of financial distress, previous to the suspension of the payments in specie by the bank; but no such measure as the present had ever been seriously thought of. Let it not be supposed, however, that the present measure could have the effect of relieving the public from burdens and taxes. It was impossible for any gentleman or for the public, not to see that the system, if to be persevered in, must lead, he should not say to ruin, for that the House would prevent; but, that it could not ultimately prevent from falling on them burdens which they must bear; and that the transposition of figures from one account to another could not prevent this. He should consider, 1st, Whether this was or was not a violation of good faith with the public creditor? 2dly, If the measure could be of any public advantage? In considering the first of these questions, it was not enough to look if there was any possibility of finding an excuse for making this infringement; but whether there was any law by which this fund could at all be touched. If a fund so pledged as a security to another were in a court of equity, it would be beyond the power of the party pledging it, at all to interfere in the application of the produce of it; and, on this principle, the public having still within their power the direction of this fund pledged by them for particular purposes, the force of honour ought to be to them what the course of justice would be to a common individual! He should not enter into the merits of the measure in 1802, for the sake of inquiring if it went to violate the original purposes of the sinking fund; it was sufficient for the purpose of the present argument, that such was not the intention of the act of 1802, and that an equivalent was there given. Therefore, though Parliament thought proper there to regulate the application of the proceeds of part of the sinking fund, that afforded no argument why they should now regulate it again, and in a very different sense. So much as to the faith pledged to the public creditor. Then, as to the payment of the whole debt

within 45 years, the statement of the honourable gentleman (Mr. Huskisson) on that point, it was impossible for him to improve. The right honourable gentleman (the chancellor of the exchequer) gave the House and the country a new sinking fund; but on the same principle on which he now touched the old sinking fund, might he come next year and take away whatever part of the additional sinking fund he thought proper. The next question was, if this was the proper time for such a measure as the present? The right honourable gentleman stated, and truly, that the state of the sinking fund would at some time or another require regulation and allotment. But it seemed rather a poor excuse, because something was wanted in the year 1813, to select that as the year for regulating a fund which might require some regulation in the year 1830. But the right honourable gentleman saw something in the present time peculiarly favourable to this measure. It was clear, that up to the year 1809, nothing had occurred so peculiarly favourable to an encroachment on the sinking fund, as to render such a measure at all advisable. If he (Mr. Baring), therefore, could show that 1809 was infinitely more favourable for the carrying into execution such a measure than the present moment, the right honourable gentleman's argument on this head would fall to the ground. From what fund any sum of money for the service of the year was taken, was a mere matter of book-keeping at the treasury; but the real question was, what did the country spend, and what funds had she to spend, throwing all her funds into one common stock, and placing her expenditure against her income? Mr. Perceval's proposition in the year 1809, was to break in upon taxes set aside for a particular purpose, only for one year; but such a measure was then deemed inexpedient. Were things, then, so much altered for the better, that what could not then be done for one year, was now justifiable for a number of years? To prove this, the right honourable gentleman must show that things were in an infinitely more favourable situation now than they were then. To show that this was far from being the case, he (Mr. Baring) should only state, that in 1809 the surplus of the consolidated fund was upwards of seven millions. He was afraid he could not say that for the present year it amounted to one million, so that he might say this surplus was now absolutely reduced to nothing. The difference between our expenses in the year 1809 and those of the present year, he

was certain, he did not overstate at an increase of 10 millions, thereby creating a difference as between our expenditure for 1809 and the present year, and our funds to meet that increased expenditure, to the amount of upwards of 17 millions. In the year 1809, the three per cents. were at 66¼; at present they were as low as 59. These were the changes of circumstances between the year 1809 and the present year; and after it had been found that in the year 1809 an operation similar to the present could not be borne even for a single year, he left it to the country to say, if they were prepared to indulge in these golden dreams of the chancellor of the exchequer, and for four years together, to lie down under this sort of expenditure? On whatever fund the money was raised, still the question remained, what was the sum which was actually spent? In the year 1807, the excess of the loan unprovided for was 3,800,000*l.* This year it would be 14 millions and a half, supposing that the loan for the year would be 28 millions. In the year 1807, there was a pledge, that if the loan exceeded the sum mentioned, Parliament should provide for the excess by taxes. Now, however, by the plan proposed, whatever excess arose, was to be laid on the sinking fund. The honourable gentleman (Mr. Huskisson) had told the difference between the rate of borrowing the loan for this year and for the year 1809, and that it would occasion a difference to the amount of ten millions of stock. He (Mr. Baring) declared it to be impossible that we could go on borrowing at this rate. Taking the last nine years, the sum borrowed for the service of the country was, on an average, 9½ millions a year; and for the next nine years, the average would be 25½ millions a year. This fact alone, he contended, must have a strong impression on the mind of the public creditor. If we were for the *next nine* years to borrow 25½ millions a year above what we were to pay off, with a decreasing sinking fund; whereas for the *last* nine years, we had only borrowed, on an average, 9½ millions above what we were to pay off, and that too with an increasing sinking fund:—Was that, he asked, to have no effect on the stockholder? It was impossible, he contended, that this plan should continue without bringing the three per cents. to 50. It was said, that at present the country wanted rest. But it ought to be remembered, that it had suffered no serious vexation since 1806; for since that time there had been no efficient taxation, except what had taken place last year. There were even more and better

reasons for the proposed respite in 1809 than at present. The relief, too, much as it had been held forth, was but partial. By the monied man it would be felt, not in taxes, but in depreciated capital. There may be an increased amount of fictitious capital, and the holders of that might feel it; but it would not be felt by the holders of land, or of any real property, for these would increase in value also. It was then only the holder of nominal property who was most exposed to suffer. But as it was the landed interest that would ultimately, in case of deficiency, have to pay, it was their interest to uphold the credit of the funded or monied interest. Upon the whole, he was for having this plan postponed till next year.

Mr. Long said, that they could not now adopt any plan whatever without some inconvenience; the object then was to choose that which was attended with least. He thought that of his right honourable friend the best. It was not, at present, possible to push taxation much farther, and for that reason he was ready to assent to the plan of his right hon. friend. He then alluded briefly to the plan of finance proposed by Lord Henry Petty in 1806, and asked whether the present time did not admit of the application of all the arguments then used, even more forcibly than they were at that time? After a few remarks on his honourable friend's speech (Mr. Huskisson's), he proceeded to compliment the chancellor of the exchequer for what he had done on the subject of the property tax, and said, whenever we came to a peace establishment, that the continuance of that tax, under certain limitations, would be most to our advantage. Then, after a few remarks on the interest of the national debt, and on the act of 1802, he said, that the fair view of the different acts alluded to in the debate, was to take care that the stockholder should not be deteriorated in his condition by these acts. He must also approve of his right honourable friend's plan of the sinking fund; and it was that, of which, he thought, we could avail ourselves with the greatest advantage. It was an additional recommendation to him for the adoption of the plan proposed, that it would show our inveterate enemy, that we are able to carry on the war for three years without any additional taxes.

Mr. Thornton had listened to the speech of his honourable friend (Mr. Huskisson) with the utmost attention, as he was anxious to discover whether it contained any errors or mistatements: but, although the right honourable gentle-

man opposite had said there were several errors in that speech, he had perceived only one trifling mistake, which was afterwards corrected by the honourable gentleman himself. He was not averse to the opinion, that whatever there was of the sinking fund over and above what was necessary to redeem the national debt in 45 years, ought to be put at the disposal of Parliament. The principle of his right honourable friend was very good. But his chief objections arose from his view of the act of 1802; previous to which our sinking fund was upon a plan that could not well be improved. The good principle laid down in 1792 was altered and departed from in 1802. By that departure we lost more than 800,000*l.* a year, which we should now have at our disposal, more than we have at present, if the act of 1802 had not taken place. He was not quite sure, however, that this plan was consistent with the national faith; a great objection to it was, that it took a liberty with a certain species of property before that liberty was necessary. There was not yet a too great accumulation of the sinking fund to have it altogether applied to the purposes now in contemplation. If the real motive of the plan proposed was to avoid taxation, he had no objection to agree to it to a certain extent.

Mr. Rose said, he was chiefly induced to rise, in consequence of what had fallen from an honourable gentleman (Mr. Huskisson), who called upon all who were the friends of Mr. Pitt to oppose the present plan of his right honourable friend. In that character he certainly ranked himself; for he had acted under that great statesman from the very commencement of his (Mr. Rose's) political life; yet he was prepared to plead guilty to an entire approbation of the plan of his right honourable friend. When his right honourable friend mentioned to him, some months back, his intention of adopting some measure that might meet the exigency of the present moment, he replied, without knowing what his plan was, that he did not think it possible to provide for the necessities of the country, without touching the sinking fund. It had been admitted by an honourable gentleman (Mr. Thornton), that it would be proper and necessary to touch that fund at some time or other; and the only question, therefore, was, whether this, or any future period, was the most proper—whether it should be done now, or eight years hence, or only a few years before the 20 millions would fall in in the year 1830. For his own part, he had no hesitation in saying, that he conceived the present

moment to be one that called for such an application of that fund. With regard to the paper in the hand-writing of Mr. Pitt, alluded to by an honourable member (Mr. Huskisson), he believed he had seen, if not that very paper, at least one of nearly the same description. It was the practice of Mr. Pitt, when meditating upon financial questions, to put down upon paper an outline of possible taxes that might be raised; but he was sure the honourable member would not pretend to say that the paper in question contained the serious and digested opinion of Mr. Pitt; and he remembered that when Mr. Pitt showed him (Mr. Rose) a paper of that description, he (Mr. Rose) told him he was certain it would never be practicable to raise one-half of those possible taxes. But it was the opinion of Mr. Pitt himself that it might be necessary at some period to break in upon the sinking fund; and he could appeal to many persons in that House in proof of his assertion. He saw a stranger below the bar, a member of the other House, who could particularly affirm it. (*order, order*!) With respect to what had been said as to breaking faith with the public creditor, he thought it was too much to say, that for the sake of the future, we should oppress the present generation with additional taxes. The system of his right honourable friend he thought to be precisely that which, under all the circumstances, was best calculated to meet the difficulties of the case; it would accomplish a more gradual reduction of the public debt, and it would relieve the present time from taxes, which to increase, he apprehended, would try the ingenuity of most persons.

Sir Robert Heron said, that if ever he were to become a great financier—a thing which he did not think very likely—he should sincerely deprecate such a eulogist as the right honourable gentleman opposite (Mr. Rose), who had paid so ill a compliment to the patriotism of Mr. Pitt. Of the administration of Mr. Pitt he had never been an admirer; he never approved of the general system of his policy: but he should be wanting in candour and sincerity if he did not acknowledge that the sinking fund was the greatest boon this country ever received from the hands of any minister. With regard to the plan of the right honourable gentleman, he conceived it to be founded altogether upon delusion; a very natural prejudice in favour of his own productions had led him to throw over it a veil which concealed its true character and colour. He (Mr. Vansittart) said it was only

a modification of the sinking fund; he thought it a partial suspension of its operation. He confessed he was hostile to the plan of trenching on that fund; and if it was to be allowed that they could not carry on the measures of government, from deficiency of revenue, he hoped, at least, that some system of retrenchment would be adopted.

Mr. Tierney said he had no disposition to enter into any discussion of the question, as the House was already fatigued, not so much from the lateness of the hour, as from the nature of the matter before them. One great reason, however, why he abstained was, that the whole ground of argument had been so irresistibly occupied by his honourable friend (Mr. Huskisson), that he would not give way to any temptation he might feel of entering into the question, so as to incur the hazard of destroying the effect of that speech. What he mainly wished was, that it might have a fair opportunity of working its way there, and with the public. He thought that, if by good fortune, that speech should go forth to the public with any reasonable preservation of its clearness and argument, they would then come to the discussion of the question at a future day with a very different view of it to what they before possessed. With regard to the plan of the right honourable gentleman, he must say, notwithstanding the printed account of it that was put into the hands of gentleman as they entered the House, he had not yet found one who understood it. As far, however, as he did comprehend it, he considered it as one of the most dangerous systems that had ever been contemplated; and when the bill was brought in, he should certainly oppose it in every stage, and take the sense of Parliament upon it. Before they separated for the present, however, he wished to consider for a moment how far this plan was or was not a breach of faith, to use an expression that had been employed, though it were better to say, perhaps, how far it was inconsistent or not with the act of Parliament. Yet it was a measure so perfectly uncalled for by present circumstances, and of such a character in itself, that he really could find no other term to express his sentiments upon it, but by calling it a breach of faith. He felt that he was a little entitled to the attention of the committee, as being one of the few who opposed the act of 1802, and as having then predicted those very mischiefs which now existed. It might probably be likewise in the recollection of the House, that for the last five sessions he had constantly called its at-

tention to the state of the finances, and earnestly begged that a committee might be appointed to inquire into them. He had repeatedly urged that they could not go on without some strong measure of finance, and only eight months ago, when he expressed that sentiment, the right honourable gentleman opposite (Mr. Vansittart) had characterised him as a person of very upright intentions, but with such an unfortunate bias upon all questions of finance, that he absolutely could not see right from wrong. But what was the right honourable gentleman now proposing to do? Precisely to adopt that strong measure which he had anticipated. He thought it, however, a most dangerous plan to lay his hand upon the sinking fund, that great security to the state, and take it. Before that step was taken, he thought every possible means should be resorted to, with a view to ascertain its necessity. For his own part, he should certainly feel it his duty to move for the appointment of a select committee to inquire into the present condition of the finances of the country, did he not suspect, from a movement of the right honourable gentleman, that he should succeed very badly if he made such a motion. He contended, that no body of men were more hardly dealt with than the stockholders, by the operation of this plan; it amounted, substantially, to a breach of faith with the public creditor. He did consider it to be one of the most fatal measures that was ever attempted against the public credit of the Empire. That was his solemn opinion. He wished for a little delay, that the House might come prepared to the question, and be enabled to face the difficulty with a firm and steady view of its character. He thought they should never lose sight of this principle, that no temporary advantage was worth having, which was purchased at the expense of the public faith. (*hear*, *hear*!)

Mr. Ponsonby expressed his wish that the report should not be received next day; but that some delay might be granted, as he felt that the principle of the measure was a most destructive one.

After a few words from Mr. W. Fitzgerald, and explanations from Sir Robert Heron and Mr. Baring, the resolutions were agreed to, and the report ordered to be received.

Adjourned.

HOUSE OF LORDS.

FRIDAY, MARCH 26.

The Marquis of Hertford reported the answer of the Prince Regent to the address of the House, thanking their Lordships for their condolence on the melancholy event of the death of the Duchess of Brunswick.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, MARCH 26.

Mr. Calcraft withdrew the apothecaries' bill for the present session, in consequence of the strenuous opposition that was given to it. He moved therefore, and it was ordered, that it be read a second time on this day six months.

DUCHESS OF BRUNSWICK.

Lord George Beresford said, that in pursuance of the resolution of the House, of the 24th inst., the Prince Regent had been waited upon with the address of condolence on the death of the Duchess of Brunswick, and that his royal highness returned the following most gracious answer:

"I thank the House of Commons for their address of condolence on the death of the Duchess of Brunswick, and I receive it as a grateful and acceptable proof of their attachment to myself, and to my family."

The answer was ordered to be entered on the Journals.

FINANCES OF THE COUNTRY.

The Chancellor of the Exchequer moved that the report of the committee on the finances of Great Britain be brought up. On the question being put,

Mr. Baring rose, and said that he did not mean to oppose the motion; but after it had been laid upon the table, he should move that it be taken into further consideration in the next session of Parliament, that the House might have time to reflect before it decided upon so important a measure. He thought that this postponement would

not be of any public inconvenience, since, according to the statement of the chancellor of the exchequer, he had already taxes for the current year to the amount of 11 millions. On all former occasions, during the discussions on the formation of the sinking fund, much time for mature deliberation had been allowed, and he hoped that not less grave inquiries would take place before that system was destroyed.

Mr. Rose warmly protested against a moment's delay, as he was fully persuaded of the excellence of the measure now submitted. The suggestions of Mr. Huskisson on the last night were all chimerical and delusive. Reasonable hopes might be indulged, that the advantages resulting from this new plan would be greater than even Mr. Vansittart had prognosticated.

Mr. Huskisson took this occasion of correcting a misapprehension of the alteration he had proposed in the plan of the chancellor of the exchequer. He would agree to adopt so much of it as to allow for the excessive charge of the present and subsequent years to be thrown upon the sinking fund; and if necessary, he would go the full length of appropriating the sinking fund, provided it were on some future occasion reimbursed from the war taxes. All he required was, that public faith should not be violated. At present he thought the old system adequate, if properly conducted, and consequently that the alteration proposed was unwise, inexpedient, and unnecessary.

Sir R. Peele bore testimony to the extreme pressure upon the lower orders. Trade was reviving, although the manufacturers were much crippled from a want of capital; and he did not think it would be prudent to deaden the hopes of the people, by laying upon them burdens they were not well capable of bearing. With regard to the national debt, he had paid much attention to the subject, and he was convinced that we did not now owe more than we were indebted ten years ago, because what was lent among ourselves was not to be considered as a debt.

The report was then brought up.

Sir F. Burdett gave notice that he should, to-morrow, move for the minutes of inquiry on the conduct of Captain Pilkmore, commander of his Majesty's ship Diadem, charged with cruelty towards a gentleman of the name of Hancock.

FINANCE.

Mr. Vansittart moved that the report of the committee of finance be read.

Mr. Baring said, that notwithstanding all the facetious allusions which had been made to the sinking fund of Bonaparte, there would be (if the propositions before them were acceded to) good reason to assert that there would not be greater security for a sinking fund under the direction of a British Parliament, than under the government of Napoleon. As he retained all his objections to the propositions before them, he should move as an amendment, that the report be taken into consideration in the next session of Parliament.

Lord Castlereagh said, that he could not suffer an assertion that the public credit of this country was in the same condition as under the ruler of France, to pass without reprobation. He wished to rest the measure on the good sense of the people of England, and the question was not, whether we should, for should not depart from public faith, but whether the proposed measure was, or was not a departure from it.

Mr. Tierney said, that the noble Lord might have spared himself the warmth he had manifested on the occasion, as his honourable friend (Mr. Baring) had only put his assertion in the way of argument, as the consequence of the measure of the right honourable gentleman (Mr. Vansittart) passing into a law. Surely the authority of his right honourable friend, as a proprietor of stock to a great amount, and as a representative of that class of persons, was not without weight, but he had also added to it his arguments. The friends to the measure disagreed in their arguments in support of it, the chancellor of the exchequer saying that it was reverting to the original principle of the sinking fund, and a right honourable gentleman opposite saying that it was a measure of necessity. Bonaparte's conduct had only been introduced to warn them from following the example of France. It was there said to the people—"You must relinquish some advantages for the time, and the consequence will be most advantageous"—the comment was, the striking off two-thirds of the national debt. It was said now by the chancellor of the exchequer, that all would be very well, if it were provided that the debt should be redeemed in 45

years. This would be fair enough if it had been said to the loan-jobbers on the negociating every new loan: but now they had been assured by the practice of 28 years, that they would have the benefit of the intermediate accumulation. This prospect was what they depended on as the security for keeping up the price of their property, by preventing too great a quantity of annuities being thrown into the market. But, said the chancellor of the exchequer to the stockholders, "In ten years you will be as well off as ever." Some of them would reply, perhaps, that they should be obliged ere that time to sell their stock. It was keeping faith with the public creditors much in the same way, as if a man in London undertook to carry people along the north road to York in 48 hours, and, in pursuance of his agreement, were to carry them to Grantham in a waggon, and from thence to York on race-horses. Some of the passengers, when packed into the heavy vehicle, might object that it was only to Grantham that they wished to be carried, and complain, with some justice, of the slowness of the conveyance. The difference between the measures of Bonaparte and the present propositions was, that Bonaparte took away two-thirds of the debt at once, and that now they were in a fair way to take away the whole. He (Mr. Tierney) did not think that Mr. Pitt, notwithstanding all which had been stated, was friendly to the measure of 1802. At that time it had fallen to him (Mr. Tierney) to oppose the measure then proposed, and Mr. Pitt had often spoken and written to him to arrange matters so, that he (Mr. Pitt) should be present at the second reading of the bill. This lingered on for some time, as Mr. Pitt was at several times prevented by personal business from attending. At last Lord Sidmouth, at that time chancellor of the exchequer, came to him (Mr. Tierney) and said, "Now we may have all our own way, for Mr. Pitt says the weather is now become so extremely fine, that he cannot think any thing of finance any longer." He knew, that in stating any thing as to the opinions of Mr. Pitt, he was in imminent danger of contradiction from the Nestor of finance, who, whenever the House seemed of one opinion as to Mr. Pitt's sentiments, came out with some paper which proved them to be entirely in the wrong. Such was the advantage of being in the confidence of Mr. Pitt! Such an advantage he (Mr. Tierney) did not possess, and could only rely on the evidence which Mr. Pitt gave of his opinion by his conduct. From the circumstances he had related, he (Mr.

Tierney) was persuaded, that though Mr. Pitt, after having left Mr. Addington with 58 millions of debt on his hands unprovided for, had deemed it his duty to give him support at first to set him off, but on mature consideration had changed his opinion. It was his (Mr. Tierney's) conviction, that this bill would not pass. What had prevented the stocks from falling was, that the stock-holders themselves could not be convinced that the measure would pass. It was too preposterous for them to imagine that Parliament would allow such a proposition to receive its sanction. The rising or falling of the stocks at present should, however, have no weight in the consideration of a measure, of which so large a portion of the effects were regarded in future years. During the present year the sinking fund would not, it was said, be diminished, and the actual state of the buyers or sellers was all that affected the state of the stocks.

Mr. Vansittart argued, that his principle was to substitute successive to simultaneous redemption, and that he had only shown, as a collateral circumstance, that the provisions of the act of 1792, which secured the reduction of the national debt in 45 years, would be complied with. This was not the first alteration in the sinking fund system: witness the acts of 1798 and 1800, which established new regulations on the subject. Mr. Pitt had first proposed to Mr. Addington that system which ripened into the plan of 1802, and he had also proposed that on the peace establishment, the sinking fund should be reduced in a manner similar to the present, which he could not have done if he thought it inconsistent with public faith. If the price of stocks were kept up by the expectation that the measure would not pass, they would fall; he apprehended they would experience a sad reverse when the sense of the House was taken of the measure. The faith of the stock-holders must be shaken, too, he should think, by the circumstance that the right honourable gentleman did not think proper to divide the House last night. The proposed postponement united with singular felicity all the objections both to the adoption and rejection of the measure. The alarm to the public creditor would be the same, and the good effects on the public mind, from the remission of taxes for four years, would not have place.

Mr. Rose gave some explanation as to the opinions of Mr. Pitt. He had seen the paper alluded to last night by an honourable gentleman below him, and it was only a loose

estimate of the possible taxes for the following seven or eight years. It was impossible that this was not intended to equalize the expenditure and income, as the loans were 22½ millions annually, and the whole of these taxes six or seven millions.

Mr. Baring said, he should urge his motion of postponement, because in the mean time some favourable circumstance might render this measure, which, whether a violation of public credit or not, was by some considered unnecessary.

The question was then put, the amendment negatived without a division, and the report read and agreed to.

Leave was then given to bring in a bill in pursuance of the report.

EAST INDIA COMPANY.

Mr. R. Thornton presented a petition from the East India company, praying to be heard by their counsel at the bar, before a committee of the whole House, and to be permitted to adduce evidence in support of their claims.

On the motion of Mr. R. Thornton, the petition was referred to the said committee, and it was ordered that the committee admit the petitioners to be heard at the bar by their counsel or agents.

SHOPLIFTING BILL.

On the third reading of the shoplifting bill being moved,

The Attorney-General agreed with the preamble of the bill, that the offence of shoplifting was at present carried on to an extraordinary extent; but he could not agree to the remedy proposed in the bill itself. The bill supposed the prevalence of this crime to arise from the severity of the laws deterring prosecutors from coming forward. This, however, was contrary to the opinion of all those who were exercised in the criminal law of this country—it was contrary to the opinion of all the judges. Though the law was not always carried into effect, it operated *in terrorem* against the offenders. To say that juries and prosecutors were influenced in their conduct by the severity of the law, and that offenders would not be equally influenced, was an evident inconsistency. They had, however, an example of the failure of an analogous act—that which respected the capital punishment for privately stealing from persons. Had this act contributed to reduce the commission of that offence?

He had inquired into the result, and he had received assurances from those who had experience on the subject, that the offence had very considerably increased since the passing of this act.

Mr. Abercrombie said, if the attorney-general had produced an instance of failure in an analogous act, with respect to which he himself could not state any thing with certainty, he could also state an instance where a similar experiment had succeeded, and that was the report of the capital punishment for stealing from bleaching grounds. Since this act, the offence had considerably decreased. There was a report of the judges in India before the House, from which it appeared that our fellow-subjects in an opposite quarter of the world were acting upon a directly opposite principle to that which was opposed to this bill, and for this they had received the approbation of the House.

Mr. Weatherall said, the argument of his honourable and learned friend (the attorney-general) against the bill was, that the experiment had failed in an analogous case. What was opposed to this? If the experiment had failed in one case, in another it might be more successful. They must ground their reasoning either on theory or experiment. If they took experience for their guide, it was against the innovation. They must therefore say that theory was better than experience.

Mr. Stephen was sorry that his honourable friend's valuable time had been thought to be so much misapplied, as it appeared to be from what had been said by some who had lately spoken in this debate. He however could not coincide in that opinion. He thought that his honourable and learned friend's object was not what had been imputed to him, but rather that it was to bring home the theory of the law to the practice. He could not approve of the opposition of his honourable friend, the attorney-general, to the present bill; nor did he approve of the appeal that had been made to the experience of the judges. For as to any probable effects of changes in the law, he would ask, were not the judges as much theorists as ourselves? It was so in the profession of medicine; were not some of the most learned and eminent in that profession most hostile at first to the introduction of vaccination? Were they not so likewise to the introduction of James's powder, a most useful remedy in fevers? He could not then admit the argument drawn from the experience of the judges. His

honourable and learned friend (Sir S. Romilly) vested a sufficiently large discretionary power in the magistrates and judges. What then was the use of urging against his bill, the argument drawn from the acknowledged humanity of our judicial magistracy? He was not now disposed to allude to the positive arguments in favour of the bill, as they had been before so fully stated. When the law made stealing to the amount of five shillings a capital offence, what was the consequence? Thieves, or those disposed to become such, seeing their associates escape, became indifferent about the terrors of the law. He was as much against innovation as his honourable friend; but this bill was not an innovation. It had been much misrepresented; for its object was not to innovate, but to bring back the common law, which had been for some time banished.—He would therefore vote for the bill.

Mr. Serjeant Best was for respecting the authority and opinion of Lord Ellenborough, who maintained that the effect of such bills would be to increase the number of crimes. The old law he thought ought to be continued, until some certain evil arose from it. He then made some remarks on what had fallen from an honourable gentleman opposite (Mr. Stephen). Capital punishments in some cases held out such terrors, that it was unnecessary to enforce them. If the House were to adopt this bill, they would soon be called upon to adopt another, and so on, step by step, until our whole criminal law may be repealed. He did not think it was necessary to make any changes in our criminal law.

Mr. Dickenson read a passage from Ruffhead's Preface to the Statutes, to show that these changes were often necessary. The passage was founded on one taken from Horace, no bad judge of the manners and morals of his times. He then made a few remarks in reply to the attorney-general and the learned serjeant (Best) who spoke last in the debate. Laws *in terrorem* may do for educated persons, but not for those who were ignorant. As a proof, he might mention the notorious picking of pockets whenever there was an execution at Newgate. Nor did he know any mode so effectual for preventing crimes among the lower orders, as that which made poverty, banishment, and other punishments, certain.

Mr. Frankland, at some length, opposed the bill, contending that nothing could be more unfounded than the

arguments of those gentlemen who treated this measure as a restriction of the law, and not an innovation upon it. All larcenies were originally offences of a capital nature, subject to certain limitations in point of practice. By the increase of trade, it became equally necessary to prevent privately stealing, as acts of violence. The ease and frequency of the former rendered it, indeed, more necessary to guard against it. Acts of violence required, for the successful perpetration of them, strength and courage, while theft required no quality whatever; every man could steal, and therefore it was the more necessary to provide against the commission of such an offence, it being the duty of the legislature not to look to the moral guilt, but to the degree of inconvenience. He saw no practical convenience in altering the law from what the House found it, though he had no objection to allow judges to dispense with the formality of passing sentence of death where they saw occasion.

Sir Samuel Romilly said, he should not trespass long on the patience of the House, nor did he intend to have troubled them at all, were it not that he found it necessary in justification of himself. To those members who had not before heard him on this subject, it would afford satisfaction to hear that his was no theory; and though those gentlemen who opposed the present bill obliged him by bestowing on him the appellation of a theorist, they themselves were in reality the theorists. He (Sir S. Romilly) defended the present measure on facts, in procuring of which he had taken great pains, and had put the House in possession of them. These practical men, as they would have themselves supposed, however, who opposed the bill, had brought forward no facts in support of their opinions. They disdained even to have recourse to those facts bearing on the subject which they had before them. He was sorry not to have heard the sentiments of his honourable and learned friend (the solicitor-general) on this measure, considering how gratifying it must have been to the House to learn the opinion of a learned gentleman of his great experience on the subject. The only question seemed to be, if an act passed in the reign of King William, declaring, that an act of theft to the value of 5*s*. unaccompanied by any circumstances of aggravation, should be esteemed a capital felony, ought, at the present day, to remain in force. Without at all alluding to the changes produced by the lapse of time, and even to the change in the opinion of the judges since the

time of King William, an honourable and learned friend of his (Weatherall) called on the House to adhere to the ancient system of our criminal law, and for information on that head referred them to a work of Dr. Paley. This, however, was a work not founded on an inquiry into the ancient system of our criminal law, but into the nature of that law as it had been practised in modern times. To prove, however, how far the present system was deserving of being persevered in, Sir Samuel went on to draw a comparison between the numbers of persons tried, convicted, &c. of shoplifting for a great many years back. From the year 1749 to 1771, the number tried was 250, of whom 109, or nearly one-half, were convicted. Within the last five years, on the other hand, in London alone, there had been tried for similar offences 188, of whom were convicted only 18, being only one in 10 of those indicted, and of the 18 convicted not one had been executed. Now, he asked, how the disparity between the number tried and the number convicted was to be accounted for, on any other principle but the unwillingness of the jury to find the property stolen to be of the value required by the act? He asked, could any stronger argument against an existing law be conceived, than that crimes not only increased, but multiplied under it? Or could any thing be more absurd than that the punishment of death should continue to be held out as applicable to offences of a more trivial nature, where it was perfectly well known that such punishment would never be inflicted? It was said that the bill repealing the capital part of the punishment for privately stealing from the person had had the effect of increasing that crime. He denied that that crime had increased since the passing of the act repealing the capital part of the punishment; but if the fact was so, it remained to be shown that the alteration in the law had been the cause of it. For if crime in general had increased, it would be rather too much to hold that the increase of it in this particular instance had been caused by the alteration in the law. The increase of crime in general would be apparent from the returns before the House, and could with fairness be attributed, in a very principal degree, only to the uncertainty of the punishment, or rather to the certainty that no such punishment as that provided for the offence would be inflicted. The whole committals in the year 1805, throughout the kingdom, for offences of this kind, amounted to 980, in 1806 to 890,

in 1807 to 1017—in 1808 to 1110—in 1811 to 1242—and in 1812 to 1484. So that in those six years the committals had increased upwards of 500. A noble and learned Lord (Ellenborough) was reported to have said, that the alteration in the law as to privately stealing from the person had caused an increase of that offence; but he denied that the mere increase in the number of committals for that offence proved the assertion, as the increase might be attributable to the increase of crime in general, and also to the fact, that since the alteration in the law, parties were less disinclined to prosecute. The authority of the lord chief-justice had been often referred to—it was assumed to be his opinion, that the crime of stealing privately from the person had increased since the capital part of the punishment had been taken away. But he had declared the same opinion, that the crime had increased in 1808, before the passing of the act. He did not know why the authority of the lord chief-justice should be singled out as superior to every other: he did not try so many criminal causes as the other judges; nor was it possible for any judge officially to ascertain whether the crime had really increased or not.—The number of prosecutions at any period it was easy to ascertain, not the number of offences; and that the number of prosecutions would be greater in proportion to the number of offences, was what had been foreseen and foretold as the consequence of passing this act. In 1805, there were 28 persons indicted for this offence, and only one convicted; in 1806, 31 persons tried, and one convicted; in the next year, 37 indicted, and three convicted; and in 1808, from January till June, when the capital part of the punishment was abolished, there were 31 persons indicted for stealing privately from the person. Such was the progressive increase of this crime before his bill had passed, which had been considered as the subsequent effect of the passing of that bill. So little attention did those gentlemen who talked against theory, pay to facts. They were so taken up with their zeal about practical men, and faculty men, and the great superiority of experience over speculation, that they never once condescended to look at the returns laid upon the table. As to the terror held out by these unexecuted punishments, on which so much stress had been laid, it was purely chimerical, they had no such effect. What offence was more common than the fraudulent transferring or concealment of their effects by bankrupts? Yet

that offence was capital by law. Could any one doubt that if the punishment was merely transportation or imprisonment, the violation of the law would less frequently take place, because the sentence would be more uniformly executed? Gentlemen were fond of facts, and he would appeal, by way of illustration, to an instance given by a respectable traveller, Barrow, in his account of the Cape of Good Hope. When he arrived there, the laws still ordered breaking on the wheel and torture for certain offences; and when it was proposed to repeal these laws, all the lawyers exclaimed loudly against the repeal; they said, that though never put in force, these punishments were necessary *in terrorem*, and that simple strangling with a cord would not have any effect. The judges were of the same opinion. The laws were, however, repealed, and the consequence was, that an application was soon after made by the hangman to have a pension assigned to him, as owing to the diminution of the number of criminals, his place was become a sort of sinecure. With respect to the authority of the judges in favour of the present law, it should be remembered that till 1771 they had executed that law, and their present practice was an innovation on the law, which was no longer any thing more than a mere theory. The learned serjeant had said, that if any possible case could be found in which the sentence ought to be executed, this would be a sufficient justification of the law. But he would suppose a case of assault so aggravated as to deserve capital punishment; as, for instance, if a son should cruelly and wantonly assault a kind and most indulgent father, was the honourable and learned gentleman, therefore, prepared to say, that he would make an assault capital in all cases whatever? If so, he must bring in an entirely new code of laws; and if it would not offend his honourable friend near him to repeat the name, he would advise the learned serjeant to inscribe them with the name of Draco. The learned member had quoted the maxim, "*Nolumus leges Angliæ mutari.*" But he must beg to remind him when and how those words were applied. They were used by the barons when they resisted the attempt to overturn the whole system of our laws, and to introduce the old Roman for the common law of the land. If they were to be quoted against all alterations in the existing laws, why then the learned serjeant would have appealed to them when it was first proposed in the time of Queen Anne to

have witnesses examined in favour of the prisoner, or when it was proposed to extend the benefit of clergy to women as well as men, or when it was determined to abolish the being able to read, as the criterion which was to preclude capital punishment in certain cases. In answer to what had been said of the prostitution of the solemn sentence of death pronounced on criminals, where it was not meant to be executed, the learned serjeant had stated that there was a difference in the manner of pronouncing it on such occasions, which showed that it was only a form or ceremony. But he had never observed any such difference in the manner of pronouncing that dreadful sentence, and he was sure that it ought never to be so pronounced. He would conclude in the words of the master of the rolls, whose absence he deeply regretted, that when the law was such as to be no longer executed, from its repugnance to the manners and sentiments of the community, the time was come to repeal that law, and to substitute others for it more mild and more effectual.

The House then divided, when the numbers were,

For the bill - - - -	72
Against it - - - -	34
Majority in favour of the bill	38

The corruption of blood bill, and the bill to alter the punishment of high treason, were read a second time.

Adjourned.

HOUSE OF COMMONS.

SATURDAY, MARCH 27.

EXCESS OF PUNISHMENT.

Sir F. Burdett rose to make a motion, of which he had given notice, and which he felt it his duty to do, notwithstanding the accusations which had been brought against him, that he was always bringing tales of woe before the House, and lending too credulous an ear to idle reports and unfounded charges. He would however say, that if the House knew half the complaints that were made to him, it would, in his opinion, declare him (instead of being too credulous) one who rather turned a deaf ear to them. The

case which he then felt it his duty to lay before the House, he considered as one of the most cruel and unmerited he had ever heard; and he thought, however much had been said of the necessity of enforcing naval discipline, yet he was assured that the House would feel as he did, that it was a case of most unwarranted and unnecessary degradation and cruelty. At the time when the Diadem, Captain Phillimore, was lying at Chatham, alongside of a hulk, Mr. Hancock, the unfortunate gentleman, the subject of his complaint (for he was a gentleman by birth, as well as by the situation he held in his country's service) was ordered by the master to go from the hulk on board of the Diadem, in order to quell some disturbance which had taken place on board of her. Mr. Hancock had lost one of his legs and part of the thigh at the battle of Trafalgar, and having, at the time he received this order to go on board of the Diadem, broken his wooden leg, he remonstrated with the master, stating his inability to go along the plank which communicated between the hulk and the vessel. Next day a formal complaint was made to Captain Phillimore, who ordered him to go aloft and stand in the rigging with his uniform turned. On his stating the impossibility of standing in the rigging on a wooden leg, Captain Phillimore sent for the Captain of the sweepers, and ordered him to take him into his gang, make him sweep the ship; and if he did not, to get him well started (beaten with a rope's end). Mr. Hancock again remonstrated against this treatment, and desired that his conduct might be investigated by a court martial. On this Captain Phillimore had him tied up to the rigging, his small-clothes let down, and in that situation he received three dozen and two lashes. He was convinced that he House would say with him, that this was not treatment which a master's mate (as Mr. Hancock was) ought to have received. It was true, that a court of inquiry had been instituted on the conduct of Captain Phillimore, but the proceedings had never been made public, and indeed he did not think that it was the proper mode of investigating conduct which ought to have been the subject of a court martial. The honourable baronet concluded by moving, that a copy of the minutes taken on a court of inquiry, held on Captain Phillimore, of the Diadem, on the complaint of —— Hancock, master's mate of that ship, should be laid before the House.

Mr. Croker expressed his regret that the honourable

baronet should have lent a ready ear to representations like these, without making inquiry at the admiralty, whether the allegations were true or false. It was true that Mr. Hancock had written to the admiralty, requesting that a court of inquiry might be held on Captain Phillimore's conduct; and as soon as they could both be brought face to face, (which could not be done until some months had elapsed), the inquiry was held by Captains Bolton, Ball, and Sir A. Dixon, who reported that the punishment was deserved, and the representations of Captain Phillimore undenied by Mr. Hancock himself. Mr. Hancock's uncle was boatswain of a guard-ship, and on his account, and because Mr. Hancock was an orphan, Captain Phillimore had been induced to excuse his repeated errors, until they at last arrived at a point to which indulgence and lenity could not follow them. Captain Phillimore had transmitted to the admiralty copies of letters from the young man and his uncle, expressive of their obligations to him for his indulgence towards the complainant's errors. The honourable gentleman trusted the House would see no necessity for entertaining this motion.

Sir F. Burdett said, that he had certainly not received this account from the unfortunate gentleman himself, but from some casual informant; and he hoped it would not operate to the disadvantage of Mr. Hancock. For his own part, he did not wish to press the motion on the House, reserving to himself the power of again bringing it forward if he saw a more urgent occasion.

The motion was withdrawn.

Adjourned.

HOUSE OF LORDS.

MONDAY, MARCH 29.

CURATES.

Upon the order of the day for entering into a committee on the discussion of the stipendiary curates' bill,

The Bishop of London read certain documents, by which it would appear, that much inaccuracy had pervaded the statement on which the bill of the noble Earl (Harrowby) professed to be founded.

The Archbishop of Canterbury justified the statement of Lord Harrowby, as being formed on documents referring to 1811, and not to the present day; but yet thought that much objection lay against the principle and clauses of the bill.

A long debate ensued, in which the Bishop of London, the Archbishop of Canterbury, the Bishop of Oxford, Lord Ellenborough, Lord Eldon, Lord Redesdale, Lord Holland, Lord Grenville, Lord Radnor, Lord Liverpool, the Bishops of Norwich and Exeter, and other noble Lords and Prelates, took a part. Upon the clause respecting the advance of the stipends to curates officiating where the incumbents were not resident, an amendment was proposed by the Bishop of London, extending the *maximum* of stipend to 200*l.* with a discretionary power to the bishop in the application. The amendment was opposed by Lords Liverpool, Grenville, and Redesdale, who contended, that the legislature ought to fix the rule, and relieve the bishops from the invidious situation in which they would otherwise be placed, by a discretion which, in all likelihood, would be very variously exercised by them.

Lord Eldon would refrain from going at large into the merits of the bill, on which he could offer much more for the consideration of their Lordships than he was willing to communicate. He could not, however, omit that opportunity of expressing his abhorrence at the open and shameless manner in which advowsons were daily and openly exposed to sale.

The question upon the amendment being put, a division took place, when the amendment was rejected, and the original clause retained by a majority of 17 to 15. The other clauses were then agreed to by the committee, and the bill ordered to be reported.

Adjourned.

HOUSE OF COMMONS.

MONDAY, MARCH 29.

WEYMOUTH ELECTION.

Two petitions were presented from several freeholders of the borough of Weymouth, complaining of the right of

electing having been unduly exercised in several instances at the late election, by persons voting under wills wherein the testators could not convey such a right, and of various other abuses of a similar nature; to remedy which the petitioners pray, that they may be admitted to give proof of their complaints before a committee of the House appointed to inquire into the same.—The petitions were ordered to lie on the table.

IRISH BARRACKS.

Mr. Freemantle recalled to the recollection of the House, that in the debate of the army estimates he had objected to the grant of a large sum for the erection of barracks in Ireland, chiefly on the ground of there being an information before the House relative to the extent or necessity of those barracks. On this ground he felt it his duty to call for certain returns to satisfy the House on the subject, and he was sure there could be no difficulty in acceding to his motion, as the returns which he sought must be in the hands of the persons in the barrack office, Ireland. He did not, however, mean to pledge himself to any specific motion on the subject, unless the returns were not as satisfactory as he hoped to find them. The honourable gentleman then moved for the following returns:—"A summary account of all works or buildings which have been, or are now carrying on under the direction of the barrack department of Ireland, specifying the time at which they were begun, and the state in which they are at present, together with the estimates of the whole expense, and an account of the expense already incurred, the grants made to meet the same, with an estimate of the number of troops which they are calculated to contain, together with the names of the surveyors and engineers employed on the same, and also the names of the persons under whose inspection the works are carried on, from the 1st of January, 1809, to the 1st of January, 1813.—A list of all barracks and other buildings for the use of troops, annually rented in Ireland, with the returns of the amount of rents paid for the same, the names of the lessors, to whom paid, and an account of the number of troops they contain.—A list of all barracks, or buildings formerly used as barracks, in Ireland, and now appropriated to other purposes, with an account of the uses to which they are at present applied, and of the number of troops they are calculated to contain."

After a few observations from Mr. Peele, the motion was agreed to.

FINANCE.

Mr. Tierney said, that he had originally intended, when the right honourable gentleman opposite had introduced his new plan of finance, to have moved for a committee to inquire into the finances of the country; but he afterwards relinquished that intention, from an opinion that it would have occupied too large a portion of time between the introduction of the bill and the period when it should be passed, if it were to be passed at all. Conceiving, however, that this was a subject of the last importance, he now begged leave to give notice that he would, on Thursday next, move for the appointment of a select committee, to inquire into the acts of the 26th, 32d, and 42d of the King, relative to the reduction of the national debt, and to report to the House how far any portion of the sinking fund may be now considered as at the disposal of Parliament.

SINECURE BILL.

The report of this bill was brought up, and on the question that the amendments be agreed to,

Mr. Holforth offered different objections to the bill, as one wholly uncalled for, and proceeding upon a principle hostile to the reward of eminent services. The vicissitudes attendant upon political life made it impossible that length of service should be always the criterion of merit. So far from the influence of the crown being increased by this circumstance, it would be generally found that on a change of administration, those persons who had received offices from the former ministers, would form a counterpoise to the influence of the crown under their successors. The bill would, therefore, hold out an inducement to cling to place, to the sacrifice of consistency. It might be said that an application could be made to that House, for the remuneration of any eminent individual whose family were unprovided for while he had devoted himself to the service of the state; but this was a practice not acknowledged by the constitution, and which set a dangerous precedent; besides, it seldom happened that those claims were not contested, however well-founded, even in the case of naval and military characters, whose services were of a more conspicious nature than those in any civil department, of which the House could seldom form an impartial judgment, as they were often to be decided by political rivals. In the case of the provision

for the family of Mr. Perceval, it was voted for by many, rather on the ground of the fatal manner of his death than in consideration of his political services. On the whole, he doubted whether there was any sound public ground for this measure, which he thought an unworthy sacrifice to popular opinion; and therefore moved, that for the word "now," be substituted the words "that day six months."

Mr. Bankes contended, that the honourable gentleman had mistaken the nature and object of the present measure in several points. If he had attended to the bill, he would have found that it was studiously intended to keep from the House of Commons all interference, and to vest the disposal of offices in the hands of the crown, under the direction of responsible ministers. The House of Commons he considered the most improper place for bringing forward every claim of private merit, as they were found generally too willing to give way in matters of favour to each other. The honourable gentleman had also mistaken as to the tendency of the bill, in giving a positive and indefeasible claim in the enumerated offices, whereas it was no such thing. There was a discretion vested for the most useful purposes, and there was no danger of talent, merit, and services, being confounded with ignorance and incapacity. The honourable gentleman complained that there were many deserving persons deprived of their reward, merely for want of length of service; but were there not many persons of great merit and usefulness, who not being in office, had no claim at all? The framers of the bill did not profess to form a perfect system, which was impossible. All they endeavoured to do was, to bring back office to its first and natural principle. They were doing no more than following the plans of Mr. Burke and Mr. Pitt; but they were adhering more closely to the latter, for the professed object of the former was to reduce the influence of the crown, that of the latter to bring back office to its natural situation. He denied that he was making any unworthy sacrifice to popularity, for it surely was no more than fit that salaries should not be paid for services which were not performed. This was not a new step—he was only following in the course which had been laid down for him by great authorities, on which he rested as a rule; and it remained for those who opposed him, to show why those offices, which were useless, should not be abolished. He hoped the conduct of the House, on the present occasion, would not disappoint the expectations of

the public, and that they would imitate that example which the triumphant vote of the last Parliament had established for them.

Lord Castlereagh was sensible of the disadvantage necessarily attending any opposition given to so popular a question as that which professed to have in view a reform in the public expenditure. This question had likewise, he was aware, twice before received the sanction of that House, and was introduced in consequence of the report of a committee of which the honourable gentleman was chairman, and which therefore was entitled to every degree of respect and consideration. He could not help thinking, however, that the honourable gentleman had not pursued, on this occasion, the most judicious course in the form of proceeding which he had adopted, knowing as he did, that the bill had twice failed in the other House of Parliament, and that no circumstances had intervened to exhibit any change of disposition and sentiment in that quarter. He believed that there never was a bill sent up from the Commons to which there existed a stronger feeling of repugnance in one branch of the legislature, than prevailed with respect to the measure before the House. (*cries of order, order* !)

The Speaker observed, that it was certainly irregular to make any allusion to the proceedings of another place, for the purpose of biassing the decision of any question under discussion in that House.

Lord Castlereagh said, he should then confine himself to the consideration of the bill as it stood, upon its own merits. It appeared to him, that it would rather augment than diminish the burthens of the country, since it opened the door to a multiplicity of pensions. He perfectly concurred, indeed, in the propriety of making some alteration in the exercise of West India patronage, and government had it in contemplation, if this bill should be rejected, to take some steps, for the purpose of rendering the appointments there more conducive to the importance, and auxiliary to the administration, of the local governments in those colonies. It was impossible, however, that a measure of sweeping reform like the present could be carried into execution, without producing very material embarrassment and interruption to the public business. There was another objection too which he had to urge against it, that it went to throw a very great portion of additional influence into the hands of those who might be for any considerable period

in possession of the offices of government. To him who considered the existence of parties as useful and essential to the practice of the constitution, it could never appear desirable, that those who were in opposition should be deprived of that fair influence that belonged to official station and authority, when the time might come at which they might be called on to exercise the functions of the state. He was very far from thinking, that the party of which he was himself a member, because they had been more in the habit of continuing in the public service, were on that account entitled to deprive their successors of that patronage and of those emoluments, which were not less necessary to them individually, in doing justice to their families, than they were of importance to the dignity and interests of the state. Mr. Burke and Mr. Pitt, who instituted reforms, never carried their views to the point of precluding the crown from furnishing adequate rewards to the exertions of those who might be attracted to the public service without being possessed of independent incomes. It was true, at the same time, that in ordinary cases, in subordinate, mechanical, and laborious offices, it was proper to measure remuneration by the length and fidelity of the service. But with respect to the high class of merits, he could not conceive a principle more unsound, or that would operate more directly to preclude the exertion of the best talents, than that which should apportion the provision to the mere duration of service. The political system of this country was not of that aristocratical cast, which should shut out the exercise of talents, unless connected with wealth or great alliance. Under all these circumstances, and upon the principles which he had adverted to, he felt it his duty to oppose the bill of his honourable friend.

Mr. Canning, having given his support to a measure similar to the present in the last Parliament, and having seen nothing that induced him to alter his opinion respecting it, declared that he should give his vote in its favour. He thought the speaker had most properly restrained the noble Lord from adverting to the opinions entertained in another House of Parliament, because it was not only irregular, but was bad as an argument altogether. There had been many instances, and he referred particularly to the case of the slave trade, when notwithstanding the known hostility which prevailed against the decision of the House of Commons in another assembly, by the exercise of a

laudable perseverance, the measure was finally accomplished, and crowned by the sanction of the entire legislature. The noble Lord had naturally enough taken a double view of the bill, both as it related to the financial arrangements and economical interest of the country; and as it involved considerations of a wider and more general nature, it might not be useless to apprise new members that this was a question which had been for a long period annually agitated within those walls, that it had been contended on one side, that sinecure offices were the nurseries of undue influence, that they were pregnant with abuse, and had no connection with the service or interests of the state. To this it was answered, and in many respects truly answered, that these great reformers of the public expenditure, Mr. Burke and Mr. Pitt, had considered these offices as furnishing the means of remunerating efficient service, that they were bestowed in reward of great talents and great exertions, and that to those great sinecures which belonged to the exchequer, except in one instance, this description accurately applied. If then the object and operation of this measure would be to exclude from the paths of public life and political exertion all those who were not born to hereditary opulence, or supported by powerful connections, he should give it his strenuous opposition. He was sure that such a measure could not be adopted, nor the crown disabled from selecting and rewarding the talents which might be produced in humble life, or compelled to limit the exercise of its bounty to an aristocratical confederacy, without deeply injuring the practice of the constitution. The noble Lord had applied himself to the task of courting opposition to this bill from those with whom he was generally committed in opinion. The noble Lord had talked of those who were most in the habit of being in the possession of power, and had, undoubtedly, evinced a great share of liberality and consideration for those parties which had not the same good fortune or perseverance. He confessed that he was no zealot in this cause, but when he saw sinecures fall into disrepute, he considered it to be good policy to provide in some other way for the reward of public merit. The noble Lord had complained that the duration of service was set up by the bill as a measure of the claim of individuals engaged in public employments. Now, there must be necessarily some test and some limitation upon the exercise of this prerogative of the crown. It might, indeed, be left to chance, but it

remained for the noble Lord to show that chance was a more eligible test than that of time. To complete this system, he ought to repeal the reversion bill. It might happen, that a minister of transcendent talents might be dismissed into poverty, because all the sinecures were full and granted in reversion. Parliament had made a special provision for chancellors, because they were taken from a lucrative profession, but in any other office and appointment had left time and duration of service as the measure and criterion of the service. He held in as much scorn as any man those doctrines which would strip the monarchy of its noblest attributes and appendages, and when he voted for the bill underdiscussion, it was because it merely proposed a more popular substitute for that which Mr. Burke himself, in his admirable speech on economical reform, had admitted and recognized, as an useful source of remuneration for great and important service, and as almost uniformily flowing in that channel. The principle of time unquestionably applied to mere technical services and exertions, and it had also been applied to the duties of foreign ministers, in a bill brought in by Mr. Perceval in the year 1810. It was by these regulations possible that a man should require a provision for the whole of his life, by remaining for a certain period in some sleepy German court—(he spoke of former Germany) —and performing no other achievement than that of hunting, or pass perhaps thirty years in the court of Naples, without once writing a dispatch, or recording any other fact than the quantity of game which his Neapolitan Majesty had destroyed. He would not then attempt to put in competition with these occupations, the claims of him who might be called on to discharge the functions of that office now held by the noble Lord, and which he himself had once the honour to hold, who might go forth to allay the storm which had desolated Europe, and mature some mighty plan to shake the tyranny of Bonaparte to its centre, and resettle the foundations of the world. He confessed that he saw no limitation but that of time, which was not open to objections, paramount to any which he had heard urged against it. Any attempt to inquire into the different species and degrees of service, and to adjust with nice proportion the rewards or the indemnifications which had been earned, must be an infinitely productive cause of invidious feelings and complaints. He certainly did not think the present bill perfect of its kind, or calculated to render the country

any essential good, but as a decision must be formed upon it, the views and impressions on his mind would certainly incline him to give it his support.

Mr. B. Bathurst complained, that this was a most unnecessary and sweeping alteration of establishments, which would pull down the little that Mr. Burke's bill left standing. Whatever might be thought of a pension as an honourable retreat from office, he was apprehensive those who have reasoned in that way would not be borne out by the feelings of mankind. The bill went to effect a great and violent alteration in the patronage of the crown, an alteration, which, if it takes place, could not, in his opinion, be attended with any deduction of that obloquy which gentlemen were so solicitous to avoid, if many persons attached, and he was apprehensive many did attach, to the word pension, the meaning affixed to it by Dr. Johnson. Whatever might be the merits of sinecures, as the question was reasoned on that (the ministerial) side of the House, as remuneration for services, he conceived that gentlemen on the opposite side had yet to show something better.

Mr. Ponsonby said, that the manner of remunerating services recommended on the other side of the House was of a nature more invidious and less honourable than that of conferring a pension. Pensions, granted on just grounds by the crown, never, in his opinion, excited any public ill-will. The public were too generous to entertain a feeling of that kind upon such occasions. But a right honourable gentleman had stated, that the public dignity was interested. Now, how the dignity of the public could be interested in having a certain number of offices in the state to which there were no duties attached, was what he was altogether at a loss to conceive. The splendour and dignity of the crown certainly did not consist in the quantity of the public money paid away by it. But the noble Lord wished to have sinecure offices left upon the footing they now stood, and not permit them to be subject to parliamentary regulation, because he conceived such regulation would stand in the way of reversionary grants; and he seemed to think it very wrong that persons in office should not have the power of providing for their successors. Really he had been disposed to acknowledge the kindness of the noble Lord in entertaining such anxious considerations as to the future well-being of himself and those gentlemen who acted in conjunction with him on that side of the House. He had imagined

that the noble Lord was beginning to tire of the weighty cares of office, and to contemplate the admission of his political adversaries into power—(*a laugh*)—but he had only prepared for himself a disappointment; the grateful illusion soon vanished, when the noble Lord, at the close of his reasoning, introduced an if—if, said he, they should ever be found worthy of being entrusted with the government of the country. Now he was apprehensive the noble Lord was of of opinion that nothing short of a total regeneration—such as was not very likely to take place—could fit them for office: but unfit as this might be, even had the noble Lord really contemplated the favour he had been at first led to suppose, they would not feel much obliged to him if they did come into power; instead of being accessary to the retaining heavy burdens upon the people, their first efforts would go to their removal. He was favourable to the bill, because it went to show the amount of what was possessed by persons who had served the public, and why they possessed it. Every man in the United Kingdom would know what they had; and when each perceived the justice of the grant, he would contribute cheerfully his quota of the sum.

Mr. Stephen said, he objected to the bill, because it went to cancel all previous merit. If persons had rendered the most eminent services to the state, and to the country, during four years, and at the end of that period went out of office, it would be out of the power of the crown to reward them for their past services. He alluded to what Mr. Canning had laid some stress upon, viz. an adherence to office in the noble Lord and his friends. The right honourable gentleman had himself been one of those friends for some years, and he could wish to see him once more pass the narrow strait between his present seat and that of the noble Lord, though he should be sorry that his services should go unrewarded for five years. It had been said that opposition had the right honourable gentleman's speeches, but ministers his votes—"I take her body, you her mind," as the poet said. He (Mr. Stephen) should however be glad to have both body and mind in this case; and that, while the right honourable gentleman gave his side of the House his vote, he would cease to favour opposition with the assistance of his speeches. The right honourable gentleman had said, that sinecure places were opprobrious, but that pensions were not so. On this point he differed with

him in opinion; he thought there was nothing offensive in the one more than in the other. That high authority, Dr. Johnson, in the first edition of his Dictionary, had put down to the word pension, "wages given to a state hireling for treason to his country," and though by his leaving it out of his second edition, it appeared that great lexicographer had changed his opinion, he was afraid the public had not done the same, but that the impression of the first still remained. The learned gentleman then adverted to that part of the bill which proposed the abolition of West India sinecures. The salaries of these offices, which were generally held by deputy, while the principal resided in England, mostly arose from incidental fees in law-suits, which were not so much felt by the litigants, while, in other cases, as in the admiralty courts, great part of them was paid by foreigners. In some cases it was an advantage that the principal should be resident in this country. From the notorious abuses which existed in courts of justice in the West Indies, it was most important that creditors should not depend for the recovery of their debts on the deputy marshals of courts of justice in the West Indies, but should have a principal resident in this country, where justice could be readily enforced, and responsible for the money placed in the hands of his substitute. On these grounds he must oppose this part of the present measure.

Several other members spoke for and against the bill, after which the House divided on the bringing up of the report:

For it - - - - - -	94
Against it - - - - -	80
Majority -	14

On the motion that the report be agreed to,

Mr. Ponsonby opposed the clause that went to limit the civil list of Ireland to 40,000*l.* on the ground that it would be a dangerous precedent to admit any thing that could be construed into a breach of compact with the crown.

Mr. Canning opposed the clause on the same ground.—The clause was then withdrawn.

After a few words from Sir J. Newport, Colonel Barry, and Mr. Peele, the bill was ordered to be read a third time on Thursday next.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MARCH 30.

EAST INDIA COMPANY.

Lord Redesdale presented a petition from the East India company, praying for a renewal of their charter upon its old footing.—Laid on the table.

Lord Buckinghamshire took that opportunity of stating the mode of proceeding in the investigation of the East India question, which, in the opinion of his Majesty's government, it would be most advisable for their Lordships to adopt. Their Lordships would recollect that in 1792, the proceedings relative to the East India charter did not commence in that House till the bill came up from the Commons; but it was thought most advisable in the present instance, that the resolutions which had been laid before the Commons, should be presented to their Lordships, and that a committee of the whole House should, with all the documents before it, proceed to the hearing of any evidence on the subject which it might be deemed proper to offer. This was the mode adopted in two recent very important cases—the question of commercial intercourse with Ireland, and the subject of the union between Great Britain and Ireland. In this manner he trusted their Lordships would be enabled to form an accurate judgment of the nature and bearings of this question—one of the most important that ever occupied the attention of Parliament. He should move, therefore, *pro formâ*, that the resolutions laid before the Commons, with which their Lordships were acquainted, should be laid on the table, with the view of moving that they should then be referred to the committee.

The resolutions were then handed in, and ordered to be laid on the table.

Lord Liverpool said, that it might be convenient now to fix the hour of proceeding in each day on this subject, with a view to the convenience of judicial and other business.

The Lord Chancellor said it would be impossible to do any judicial business at all during the investigation.

Lord Grenville then suggested that it might be infinitely more convenient to carry on the examination in a select

committee. A good deal of valuable time would thus be saved for judicial and other purposes.

Lord Liverpool said that he had no objection whatever to that mode of proceeding, if it should be deemed most advisable. A committee of the whole House had only been suggested on account of its having been the method adopted in the two instances mentioned by his honourable friend near him. He therefore moved that the part of the Prince Regent's speech which related to the East India company's affairs should be read; which being read accordingly, he moved that the same be referred to a select committee of their Lordships, that all the Lords who had attended during the present session should be of that committee, and that they should have the liberty of choosing their own chairman; that the petition of the East India company, the resolutions, now laid on the table, the petitions from the out-ports, and all the documents on the subject should be referred to the committee; and that the petitioners should be heard by their counsel in favour of their respective petitions, and that the said committee should sit and proceed to business on Monday next.—Agreed to.

NAVAL MISMANAGEMENT.

Lord Darnley regretted that he was under the necessity of postponing his motion relative to the mismanagement in the naval administration. No subject could be of greater importance, and few more seriously called for investigation. But some Lords, who were desirous of being present at the discussion, could not attend on Tuesday next; and he therefore moved that the order for summoning the Lords for that day should be discharged, and that the Lords be summoned for Friday the 9th of April, on which day he proposed to bring forward his motion.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MARCH 30.

WEYMOUTH ELECTION BILL.

Mr. Alderman Atkins moved the second reading of the bill, regulating elections in future in the borough of Weymouth.

Sir John Newport said he held in his hand a petition from the inhabitants of Weymouth, praying that the House would not interfere with the independence of the borough. He wished to know only if the House should attempt to new-model the election there on the ground of convenience, why it should not extend the same proceeding to other boroughs, where there was just as little shadow of right as in the voters of Weymouth? He was advised that the real operation of the bill would be to lodge the power of returning four members to Parliament in about 30 or 40 persons. He felt extremely anxious that nothing should be done by the House that might produce an impression on the public that such was the partiality of Parliament to every principle of reform in the representation, that although they uniformly resisted any proposition for extending the elective franchise, they had no objection to narrow its exercise on any occasion which might afford them a plea of mere convenience in so doing.

The Attorney General would not protract or enter much into the discussion at present, as a more ample opportunity would occur of so doing. He had only to observe, that if this bill did indeed go to new-model a borough, or alter the elective franchise, he could not support it. It had, however, no such object, and was simply declaratory of the law as it stood in the reign of King William. A practice had crept in, in the usual course of the progress of an abuse, by which the power of communicating the franchise by devise had been perverted, and carried to the extent of a principle which would countenance an indefinite divisibility. Upon the practice which now prevailed, by which a sixpenny rent was sufficient to qualify twenty voters, it might be extended to the qualification of five hundred thousand.

Mr. Alderman Atkins, said it had appeared to the committee that the only proper remedy which could be applied in this case, without disfranchising the inhabitants, was to designate the value of the rents which should in future be deemed a sufficient qualification. There were no votes now which had been acquired by devise that were of a higher value than five shillings annually, some of sixpence, and one witness had been called who enjoyed eight votes, which were altogether of the annual value of two-pence rent. It was not deemed equitable to give the bill a retrospective operation, or to deprive those who had exercised the right

previously without dispute of this franchise, but to provide against the possibility of a continuance of the abuse, by ascertaining and fixing a certain rent as a necessary title to a suffrage in future voters.

After some further conversation, in which Sir J. Newport, Mr. Bathurst, and Mr. W. Wynne participated, the bill was read a third time, and ordered to be committed to-morrow.

EAST INDIA COMPANY.

The House then, on the motion of Lord Castlereagh, resolved itself into a committee on the affairs of the East India company; and Mr. Warren Hastings being called to the bar, and a chair being provided for him,

Mr. Adam, as counsel for the East India company, intimated his intention of examining him touching two points, viz. as to the effect which the free admission of Europeans to reside in Hindostan would be likely to have on the state of that country; and as to the probability that at any future period such a change might be effected in the habits of the population of India, as would produce a greater consumption of European commodities than now took place there. The learned counsel then proceeded in his examination, first desiring to know if Mr. Hastings, while residing in India, had observed the effects resulting from the residence of Europeans in India?—Mr. Hastings said he could not speak as to the Carnatic; but that, generally speaking, he was of opinion that if Europeans were to be permitted to sojourn in India according to their own pleasure, and without any restraint whatever, the effect would be most ruinous to the government, the interest of the company, and the peace of the country. The Hindoo was feeble in body, and timid in spirit; and, in consequence, liable to be much depressed by the bold and daring spirit of Englishmen, whose very name was to them a sufficient protection; who, relying on the countenance and support of each other, committed offences which they would not dare to commit at home; and, in short, were enabled to practise all the excesses of despotism. To other questions of a similar import, Mr. Hastings replied that the unrestrained residence of Europeans would undoubtedly give birth to many acts of tyranny and oppression, which would be extremely prejudicial to the British power in India, inasmuch as it would render the Hindoos disaffected to the

British government, and would thus afford a strong temptation to the neighbouring states to invade the territories which were subject to it.—Mr. Adam then asked whether he was of opinion, if a free intercourse were permitted with India, that regulations could be devised, by which Europeans could be compelled to reside within certain limits in the principal settlements? Mr. Hastings thought that Europeans, not in the company's service, might be so restricted, and the introduction of private traders would be attended with no injurious effect, if they were amenable to the company; but if adventurers were empowered to go out without being so amenable, he conceived that it would lead to such an unrestrained sojournment of Europeans, in all parts of India, as must be highly dangerous to the power of the country in India. He did not mean, he said, to speak of the effects of a free export and import trade with India, as unconnected with residence; but if Europeans were allowed to go where they pleased in the country, it would be extremely injurious to its safety and tranquillity. Mr. Adam next proceeded to the second of the two points to which he had proposed to confine his examination, viz. the probable increase of the consumption of European commodities in India. Mr. Hastings stated, that the habits of the Hindoos were simple, and their wants few, being confined to a rude dwelling, their food, and a proportion of cloth, which latter articles were obtained at their own doors, and with very little cost. The Mahometans were not able to purchase many articles, they were in a very impoverished state: on the whole, he was of opinion that no material increase of consumption could be expected. Mr. Adam then asked in what manner the natives of India disposed of their superfluous wealth? To which Mr. Hastings replied, in modes common to all countries, in dissipation and pleasure, but there were some forms of luxury from which they restrained; for instance, the pleasures of the table, particularly inebriety. In answer to the next question, whether the disposal of their superfluous wealth was likely to create in any way a consumption of European commodities? he said, that wealthy persons were in the habit of purchasing European furniture, broad cloth, and British lace, but not in great quantities; and that in Bengal such goods would certainly find purchasers. He stated that the character of the native Indians had hitherto been stationary, but that any new system of policy might give a

different direction to that character. The instances of the natives affecting European habits and manners were very rare. European commodities were certainly exposed to sale in all the chief settlements; but he conceived that the European inhabitants were the principal purchasers.

The examination by Mr. Adam here closing,

Mr. Hastings begged permission to make an observation to the committee. As it might, although he trusted it would not, be suspected that the evidence which he had given with respect to the danger of allowing European adventurers to settle in India, was so given under the bias of attachment to the East India company, it became necessary that he should, if possible, obviate the injurious effect which such an imputation would have on the credit of his evidence. Attachment to the East India company he certainly felt. He felt gratitude for that service which had formerly given him bread, and which had employed all the active portion of his life; and he was no less grateful for that bounty to which he owed his present means of subsistence. But all this did not affect the evidence which he had that night given, and which was founded on opinions that he had not taken up on slight grounds. To prove this, he stated that he had addressed, at different periods, three letters to the chairman of the court of directors on the subject to which his evidence that night had principally referred. The first was written twenty years ago, when the existing charter was under consideration. In that letter he had strongly urged the necessity of providing against the irruption of British adventurers in India, beyond the boundaries of the British settlements; arguing that they would assuredly molest and oppress the natives, and thereby occasion incalculable mischief. This letter he had the pleasure to think was approved of by the gentleman who then presided over the board of controul (Mr. Dundas), a man of whom it might be said, if it could be said of any one, that he required no light from the judgment of another to aid his own. He had not, therefore, the arrogance to suppose that the regulations which then ensued were attributable to his own recommendation; he mentioned the fact of his having made the suggestion, only to show that his opinions on that subject had long been established. On the 12th of March 1802, he had addressed another letter to the chairman of the court of directors, with reference to the licences contained in the

preliminary clause of the act of Parliament of that day, stating it as his opinion, that thus to allow favoured and licenced individuals to settle in India, out of the boundaries of the British settlements, would be productive of still more mischief than if all individuals who chose to do so, were allowed indiscriminately to settle there. The third time that he had addressed the court of directors on the subject was in April last, when he again recommended the restrictions to which he had already alluded in his evidence. He trusted that what he had said would satisfy the committee that his opinions were not suddenly embraced, or produced for the occasion, but that they were the result of long and deliberate conviction, as the documents which he had just described, and which might at any time be referred to, would sufficiently testify.

Mr. Grenfell inquired, whether during Mr. Hastings's residence in India, he recollected that any persons were employed in that country as missionaries?—Mr. Hastings replied, that he recollected a German in the Carnatic so employed, whose name was Schwartz, and another in Bengal, by whom one Indian had been converted, whose conversion was celebrated with great pomp. He recollected also a catholic priest in the Decan, who had a large flock of men about him, whom he called Christians, although he (Mr. Hastings) was persuaded that the ignorance of this person of the common languages of India must have rendered it impossible for him to communicate to the natives the divine truths of the Christian revelation.—In answer to further questions on the subject by Mr. Grenfell, Mr. Hastings stated, that the individuals whom he had described, while they were in the territories of the company, were certainly amenable to the laws of the company. If, during the time that he administered the government of India, there had been persons there of that description, unlicenced by the company, and subject to no restraint as to the mode they might choose to adopt for the conversion of the natives, as long as those persons demeaned themselves with propriety, he would have taken no notice of them; but if he had found that their conduct was such as to justify apprehensions of mischievous results, he should certainly have interfered.

Mr. Ponsonby, referring to the opinion expressed by Mr. Hastings, in his second letter to the court of directors, viz. that the residence of certain persons by licence in India,

would be more dangerous to the interests of the East India company than the indiscriminate resort of all Europeans to India, requested to know the foundation of that opinion?—Mr. Hastings replied, that the general adventurers would excite the attention and vigilance of the government of India, who would use the most efficient means of keeping them under controul; but that if licenced individuals were to be allowed to go into the provinces of India to erect factories and establish trade, they would be let loose upon the natives, armed with a sort of power which few or none would venture to resist.

Mr. Creevey wished to know, whether or not, after the East India company had commenced the practice of laying-in investments in their own tribute, Mr. Hastings, as governor-general of India, had not remonstrated to the court of directors against the pernicious effects of that system?—Mr. Hastings's answer was, that he remembered no such remonstrance. He took that opportunity to apologise to the committee for his inaccuracies and hesitation. He had never been accustomed to public speaking, and at his time of life, he was still less qualified than ever for that task. He entreated, therefore, the indulgence of the committee, (*loud cries of hear, hear!*) and he hoped he should not give offence by saying that he did not know what was meant by the company's laying-in investments in their own tribute.

Mr. Creevey explained the meaning of that phrase to be the trading with the surplus of the territorial revenue of India. By a former report on the subject, it appeared that Mr. Hastings had addressed a remonstrance to the company against the practice.—Mr. Hastings observed, that if the documents were in existence, they would afford a sufficiently satisfactory reply to the honourable gentleman. (*hear, hear!*) The fact was, that all the receipts, whether commercial or proceeding from the revenue of India, were paid into one treasury. All advances were made from this general mass; so that he did not know how to discriminate the portion that was appropriated to any particular service.

Sir H. Montgomery inquired what Mr. Hastings's opinion was as to the political effects which might result from a church establishment in India?—Mr. Hastings replied, that it was a question of great intricacy and delicacy, on which he would be glad to decline offering any opinion, but for the respect he entertained for the House. He

could not judge of the present necessity which might exist for such a measure, but it was impossible for him to conjecture the effects which might flow from it. He hoped he might be allowed to say, that he wished any other time had been chosen for the experiment. A rumour had gone abroad, of its being the intention of ministers to force the religion of the state upon the consciences of the natives of Bengal, and he could not venture to say what effects might be produced upon the minds of men, to whom, in the maintenance of our sovereignty, we should have recourse in the last resort. He feared to say all that crowded upon his mind upon the subject, but he conceived it to be an experiment of great hazard.

Mr. Baring here rose to suggest, that in consideration of the great age of Mr. Hastings, and that he had already undergone an examination of three hours, it might be desirable, if the examination was likely to proceed to great length, that he should now withdraw, and be requested to give his attendance on another day. (*hear, hear* !)

The Chairman having inquired of Mr. Hastings his wish upon the subject, he expressed a wish that the examination should still proceed.

Mr. Ward asked whether it was the opinion of Mr. Hastings that the same danger would exist now from the introduction of missionaries into India as 20 years ago, considering the great political changes which had since taken place ?—Mr. Hastings replied, that he considered the danger as greater now, from the change of circumstances which had taken place, and the religious discussions which had gone abroad.

In answer to some questions by *Mr. Forbes*, Mr. Hastings stated that he thought the residence of European merchants in the interior of India would be attended with bad consequences, for the reasons he had already stated. The union of the sovereignty and commerce of India in the hands of the company, he considered to be unattended by any bad consequences, and the confinement of the commerce to the company to be much more beneficial to the interests of Great Britain and India, than if free admission was given to all the subjects of the British dominions. With respect to the opinion expressed by him in a work entitled, " A Review of the State of Bengal," and written some years ago, he did not conceive that he had come to the bar of the House to defend any inconsistencies in his opinion. Several of the

sentiments contained in that work he now abjured, as not suited to present circumstances. He might have thought it expedient to admit American ships to Calcutta, as a matter of favour or policy, but not as a right, which he should have considered unwise. In reply to some further questions relative to the policy of sending missionaries to India, who might speak in opprobrious epithets of the religious rites of the Brahmins or Mahometans, Mr. Hastings stated it to be his opinion, that it was neither consistent with the safety of the British Empire in India, nor with the dictates of humanity, to treat the religion of any people with contempt or insult. It would be to declare a religious war, and it would be impossible for him to tell the consequences of exciting the zeal of thousands in defence of their religion. He would not say that such evils would happen from any measures now in contemplation, but it was known that they had often happened from similar causes.

In answer to some questions by *Sir William Geary*, it was stated by Mr. Hastings, that in his calculation of the consequences which might result from the residence in India of persons who were not the servants of the company, he certainly meant to make a distinction between British subjects and Americans, which distinction consisted in the laws and prejudices to which they might be respectively subject, and which gave to one an advantage over the other.

The Chairman having signified to Mr. Hastings, that the committee had no farther trouble to give him, that gentleman withdrew from the bar amidst the loud and general cheers of the House, after having given his evidence in the most clear, distinct, and perspicuous manner.

The next witness called was Lord Teignmouth, whose examination was commenced by *Mr. Randall Jackson*, counsel for the company. His Lordship stated, that he had been 30 years in the service of the company, from 1768 to 1798; that he had chiefly resided in Bengal; that he filled the office of governor-general four years and a half; that he had been chiefly employed in the revenue department, before he succeeded to the situation of member of the supreme council; that he had formed an accurate opinion of the character and habits of the natives of India, and was acquainted with the common language of India and the Persian. He was inclined to think that an unrestrained influx of Europeans into India would be prejudicial to the interests of this country, as connected with India. He

admitted that there were many ports at a considerable distance from the principal seats of government, but there were some of the government authorities residing at each. According to the regulations at Bengal, it would be easy for the government to prevent Europeans from proceeding into the interior. It would be difficult to regulate Europeans with respect to conduct and abode, in proportion to the number that might proceed to India, but he did not think that such a regulation was altogether impracticable: wherever the authority of the country could extend, he did not think restraint impracticable. If from the circumstances of Europeans trading from port to port, the restraints imposed by the government were not found to be sufficient, that fact must imply their defect, and would in fact amount to a suspension of the government. Evils certainly would result if individuals were allowed to go into the interior without the approbation or knowledge of the government. Knowing the habits and manners of the natives of India, even though there were to be a more extended European intercourse, he did not think that there would be a greater demand for the commodities of this country than there was at the present moment. He knew of very few articles that were likely to be used by them that were not used now; and so far as he had ever observed, all the wants were amply supplied by the existing regulations. He was not aware of any wants that could not be supplied by the present regulations. He had never known any instances of natives desiring European commodities, without also having the opportunity of gratifying such desire by the articles being in the market.

Here *Mr. Jackson* closed his examination; and in answer to questions put by different members, his Lordship stated to the committee, that he did not think it would be consistent with the safety of India for missionaries to preach publicly, particularly if they were to inveigh in opprobrious terms against the customs and idolatries of the Brahmins; but he did not deem it necessary, nor was it the practice of the missionaries, to proceed in any such manner: they commenced by holding conferences, and they never preached publicly until they had obtained a congregation of converts. From all that he had seen and learned, he had no reason to apprehend that danger would result from those conferences; on the contrary, he thought that such a mode of proceeding was calculated to raise the esteem

of the natives towards us. The exercise of indiscriminate zeal might be dangerous, but there were proofs that a judicious and prudent zeal might safely be exercised for the conversion of the natives. He thought it would be much better to leave the controul over those persons, who might go with the professed object of endeavouring to convert the natives, to the government in India; in India they would be the best judges how to exercise that controul. As to the episcopal establishment that was proposed to be sent out, he thought the natives would view it with perfect indifference. There had been instances of conversion on the Malabar coast; but of his own knowledge he did not know any one instance of the conversion of a respectable Hindoo to Christianity, for when he was at Bengal there were not any missionaries in that part of the country till a very short time before he left. If a law were to be passed for converting the natives of India to Christianity in such a manner as to have the appearance of being a compulsory law, he had no hesitation in saying that such a law might be attended with very dangerous consequences.

In answer to questions put by *Mr. Tierney*, his Lordship stated, that the native police, as it at present existed, consisted of one person, under the character of a magistrate, and there were natives under him who regularly made their reports of every occurrence, such as the arrival of strangers, &c. He thought the only regulation that could be devised to prevent improper conduct on the part of European adventurers arriving there, the whole coast being open to them, must consist of increased vigilance in the native police. It would be difficult for Europeans to penetrate beyond the limits of the settlements without being detected and detained by the way, and proper legislative enactments might prevent any danger from arising on that account.

Questioned by another member.—There were parts on the coast of Coromandel and Malabar in the possession of the native powers. Owing to the low rate of wages in India, the demand for our finer manufacturers would not be increased. He did not know of any commodities for the common people that would be purchased so as to extend the present trade. He had forgotten the amount of the rate of labourers' wages in India, but provisions were cheaper there than in any part of the world: for three shillings a month a man might live luxuriously. He did not know how much money was required to clothe a labourer

yearly; but it could not be much, for the cloth was cheap, and the quantity required was little.

Questioned by *Mr. Stephen*.—His opinion of the general standard of moral character of the people of Hindostan was, that it was very far below the Christian standard of this country. Falsehood formed a prominent part of their character; they were a compound of servility, fraud, and duplicity. Their character might have originated in some degree in the despotism of the ancient government. Their crimes were the burning of women on the funeral pyres of their husbands, which he had learned was a common practice, and also infanticide in some particular districts. They immolated themselves sometimes by prostrating their bodies before the procession of their idols, permitting the car to pass over them and crush them to death, which they considered a meritorious sacrifice. He had likewise learned that on particular occasions they leaped into the rivers, where they drowned themselves. He was not aware that their religious festivals were celebrated with rites of unnatural obscenity; he had seen indecent pictures on their temples, but never witnessed any obscenities. The murder of a Bramin by a stranger, and the murder of a stranger by a Bramin, were not punished in the same manner; for a Bramin might suffer punishment much worse than death, but none might put him to death; while he who killed a Bramin was held guilty of the commission of an inexpiable crime. He had heard that Bramins were known to offer violence to themselves, after having suffered insult from strangers, for the purpose of making them guilty of inexpiable crimes. He did not know whether the Gentoo religion was an insuperable obstacle to the advancement of civilization and moral character. Their women were so concealed that he knew nothing concerning them. The introduction of Christianity among them would improve their civil condition. He did not recollect that any efforts of that kind had been made by the East India company. The discreet and well-ordered efforts of missionaries would not be dangerous to the British dominions in India. Other nations had been more active than Britain in the cultivation of the gospel. The Danish government had made some efforts; the Dutch had christianized many of the people of Ceylon; and considerable numbers were also reformed by the Portuguese without any dangerous consequences.

Questioned by another member.—He had learned that

the people of Tanjore credited the word of missionary Schwartz when they would not believe their own rajah.

The noble Lord, when informed he might withdraw, begged to be allowed to observe, that many questions had been put to him that night, which he could have wished to consider two or three days before he gave an answer. He hoped the House would make allowances for the circumstances under which his evidence had been given.

The House resumed; Mr. Lushington reported progress, and asked leave to sit again to-morrow.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MARCH 31, 1813.

Lord Darnley moved for a return of the number and classes of ships on the American station in each month since April, 1812; distinguishing the situation of the ships in each month, and the names of the commanders.—Ordered.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MARCH, 31, 1813.

PRINCESS OF WALES.

Mr. Whitbread assured the House that it was with great pain and reluctance that he now came forward to call the attention of the House to a circumstance connected with a subject which he had hoped would never have been necessary again to discuss or allude to in that House. Nevertheless, some circumstances had since occurred, so novel, and so important in their nature, that he felt himself obliged by his public duty to submit them to their consideration. On Saturday last, a letter, purporting to be from the Earl of Moira, to a member of the grand lodge of freemasons, appeared in many of the public papers. There was every reason to believe that the letter did really come from the noble Lord, and he understood that his Lordship avowed it. The public had lately been told, or at least induced by

general rumour to believe, that all further investigation had been stopped; and they had heard with great satisfaction that the Princess Charlotte had visited her royal mother. They had hoped this unhappy business was on the point of being favourably terminated. The letter, however, which had been published under the sanction of the high name of Lord Moira, contained paragraphs, of which he thought an explanation absolutely necessary; and as the noble Lord was upon the point of leaving this country, to execute the high duties with which he was entrusted in India, it appeared to him absolutely necessary, that before his departure, he should explain the meaning of certain paragraphs (of which he alone could explain the meaning), but which, according to the obvious construction of them, were considered by the public as reflecting upon her royal highness the Princess of Wales. He should now point out the paragraphs which, as he thought, his Lordship should be called upon to explain before he left England. In that letter there was the following sentence:—

"When the Prince did me the honour of relating to me this representation of Lord Eardley's, expressing great uneasiness that the asserted notoriety of the interviews at Belvidere, and the comments of the neighbours, should force him to take any public steps, I suggested the possibility that there might be misapprehension of the circumstances; and I entreated that, before any other procedure should be determined upon, I might send for the steward (Kenny) and the porter (Jonathan Partridge) to examine them. This was permitted, I sent for the servants, and questioned them. My report to the Prince was, that the matter had occasioned very little observation in the house, none at all in the neighbourhood, and that it was entirely unnecessary for his royal highness to notice it in any shape. The servants had been desired by me never to talk upon the subject: Lord Eardley was informed, that his conception of what had been stated by the servants was found to be inaccurate; no mention was ever made to any one, not even to the Lords who conducted the inquiry, three years afterwards, of the particulars related by the servants; and the circumstance never would have been known at all, had not the legal advisers of the Princess, for the sake of putting a false colour on that investigation, indiscreetly brought it forward. The death of Kenny, in the interval, tempted them to risk this procedure. Jonathan Partridge having been known at the time when he was questioned to be devoted to the Princess, from his own declaration to the steward, no one can doubt but that her royal highness would the next day be informed by him of his having been examined. The measure was most offensive, if not justified by some uncommon peculiarity of circumstance. Yet absolute silence is preserved upon it for so long a period by her royal highness's advisers: a forbearance only to be solved by their being too cautious to touch upon the point while Kenny was alive."

When first he read the paragraph, he could not avoid putting the same construction upon it which he found by the public papers had been put upon it out of doors. He did conceive it to mean that there was something in the evidence of Kenny which made the advisers of the Princess afraid to advert to it during his lifetime; and with this impression on his mind, he had intended to have brought the matter before the House last Monday, in order that an impression should not go abroad injurious to the Princess, after the Earl of Moira should have left the country, and explanation was impossible. Upon reading the paragraph, however, over and over again, to try whether he could find out another meaning, it occurred to him, that perhaps his Lordship only meant that Kenny, if alive, could have contradicted any person who said that his Lordship examined the witnesses in any manner that was improper or unbecoming his dignity. Thinking that this might possibly be the meaning of the noble Lord, he did not conceive it necessary to bring the business before the House; but finding by some observations in one of the public papers of this day, that the subject was viewed in another light out of doors, and that the public understood that part of the noble Lord's letter according to its plain and obvious construction, he thought it now of the greatest importance that Lord Moira should have an opportunity of explaining his meaning before he left the country. As any assertion which came from a man so high in rank and so high in character as Lord Moira, must carry with it great weight, he thought that an impression ought not to be suffered to remain on the public mind, that either the Princess or her advisers were ever afraid that her honour would have been in danger from any evidence which Kenny might have given. There was another paragraph which Lord Moira, and none but he, could explain. When it was stated in the letter, that Partridge, Lord Eardley's porter, was known to be entirely devoted to the Princess, he thought it ought to be explained what was meant by the devotion of one of Lord Eardley's menial servants to the Princess of Wales. As the noble Lord was so soon to quit the country, and as this was a point of such high importance, he felt himself justified, even without previous notice, in making a motion for the purpose of allowing the noble Lord an opportunity for explanation. He had before stated, that he had from time to time indulged the hope that there would no longer be occa-

sion to mention this subject in Parliament: but if new documents and new matter were thus laid before the public from day to day, he must say that he despaired of any termination of this business, unless it should be put finally to rest, either by a formal recognition of the innocence of the Princess being recommended to the crown by its advisers, or by some parliamentary proceedings. He should not say in what manner this recognition should be made; but he thought, that if the advisers of his royal highness would advise him to grant her an establishment suitable to her rank, either from his own civil list, or in any other way, such a measure would give the greatest satisfaction to the public. After a few more observations, he concluded by a motion to the following effect:—

"That a message should be sent to the House of Lords, desiring that the Earl of Moira should be allowed to attend that House for the purpose of giving them information as to the knowledge of certain circumstances relative to the conduct of the Princess of Wales."

The Speaker said, that before he put the question, he felt it his duty to state to the House, that a grave consideration arose in his mind as to the parliamentary usage with respect to such a motion. The House was not in the habit of desiring the attendance of any noble Lord, unless upon some investigation or matter pending in that House. If it was not stated to their Lordships that there was some matter pending in the House, on which the evidence of a noble Lord was required, he thought that their Lordships would undoubtedly reject the application. If such an inquiry or investigation were resolved upon, then it would be regular to make such an application; but his memory could not furnish him with a single precedent in the history of Parliament, of such an application having been made, unless on a matter pending in the House.

Lord Castlereagh said, he thought the House must feel, that according to the custom of Parliament, the present motion could not be received. He should, however, not confine himself merely to the forms of the House, but would say, upon the substance of it, that he was surprised that the honourable gentleman should (after six times that the subject had been brought forward in different shapes, and the feeling of the House well known upon it) think it necessary again to bring the subject before them. He could conceive no other purpose which this could answer, but to

agitate the public mind, and wound the delicacy of the House. This was merely a collateral point of a subject, into which the honourable gentleman well knew that the House did not wish to enter. He was also surprised that, at the close of his speech, instead of calling upon them to pronounce upon the question of guilt or innocence, he should merely have suggested an increase of the establishment of her royal highness. If no question of form had rendered the motion inadmissible, he should have opposed it in its substance, as he was convinced that no possible good could result from the interference of Parliament; and he thought that, on the contrary, it might in every quarter prove injurious. He concluded by moving the order of the day.

Mr. Ponsonby said, that it would appear presumptuous in him to offer any confirmation of what had fallen from the high authority of the chair, as to the the usage of Parliament. Such had been its practice ever since he was acquainted with it, and he believed that not a single instance could be produced to the contrary. He believed the reason of the usage was, that the House of Lords must first determine as to the fitness of allowing a noble Lord to attend, and then the noble Lord himself was to determine whether he thought it fit to attend. He conceived that his honourable friend (Mr. Whitbread) had rather brought forward the motion for the purpose of raising a question, than with any idea that the House could adopt it. He should, however beg leave to suggest what he thought would be the most natural way of obtaining the explanation which his honourable friend desired. If any persons chose to address the public in the newspapers, and any thing in such address required explanation, he thought it might be given through the same channel, without bringing it before the consideration of Parliament.

Sir F. Burdett thought that the most desirable manner in which this subject could be terminated, and the way which must be the most satisfactory to the illustrious person who had suffered so much from foul calumny and slander, would be that it should be ended in consequence of some movement proceeding from the mind of his royal highness himself. At the same time, he must deny that the honourable gentleman (Mr. Whitbread) had brought the subject forward in any way that could wound the delicacy of the House. He did not believe that the House had by any

means declined interfering in this subject, from an idea that such interference would be contrary to their duty. He rather conceived that the general understanding of the House was, that after all that had passed there—and all that had been published—and upon which the public opinion was completely formed, some course would be taken, by which her royal highness would be completely and publicly cleared from all those charges which malice and calumny had brought against her. It was, therefore, thought better to leave it to the advisers of the crown, to give such advice as would best put to rest this painful subject. He thought that her royal highness ought to be avowed as completely clear of those charges, which could not be suffered to remain on her without also throwing an aspersion on the whole of the royal family, and a slur on that illustrious Princess (the Princess of Charlotte) to whom the nation looked as the probable successor to the crown. However he wished that the business might have another termination, yet he should not think that he was acting against any general declared sentiments of the House—nor wounding their delicacy—nor flying in the face of any understood feelings—if he were to follow the example of the honourable gentleman (Mr. Whitbread), and propose some specific motion to the House upon the subject, unless it should be terminated in another way. He believed that no harm at all had been produced by the manner in which this subject had hitherto been agitated in the House: he believed, on the contrary, that great good had arisen from it; inasmuch as the illustrious person who was the subject of those discussions, now stood in the eyes of the public completely absolved from all the charges which her enemies had brought against her. As to the forms of Parliament, he certainly bowed to the authority of the speaker upon that point, but he did think the letter of Lord Moira left room for surmises injurious to the character of the Princess, and therefore he thought that in some shape or another those passages required explanation.

Mr. M. A. Taylor deprecated the revival of this question, and thought that the House should do every thing in its power to silence such discussions. He thought that they could do no good, and that they might be injurious to the Princess herself as well as others.

Mr. Western believed, that the object of the motion was not to agitate the public mind, but to quiet that agitation,

which must necessarily be produced by laying from time to time fresh documents before the public. A letter from so exalted a personage as Lord Moira could not fail to make an impression on the public mind; and if, in the way the public understood that letter, an impression unfavourable to the Princess must be excited, he thought it necessary that there should be an explanation. He therefore approved of the motion in its object, and in its substance, although possibly, by the forms of the House, it could not be received.

Mr. Canning said, that having been in the House but for a few minutes, he believed at first that this was only one of those irregular conversations which had too frequently of late been introduced, and was not at first aware that there was a motion regularly submitted to the House. If that had been the case, he should not have said a single word upon the subject. The honourable baronet (Sir Francis Burdett) had referred to that understanding, by which the House had shown its wish, that there should be no farther discussions on this unhappy subject. He believed that the last discussion of the subject ended upon the understanding that no possible good could result from the discussion. He believed, that the House, and every member of it, had felt the most anxious wish that they should not be called upon for any determination on the subject, unless it should come to such an extremity that Parliament was obliged to adopt some step. As he did not think that such an extremity had now arrived, he could not avoid giving the motion his negative. There was another impression, as he believed, upon the mind of the House upon this subject. They thought that the abstaining from discussions upon it, was the most likely way to bring about that happy termination of it, to which every one anxiously looked. While they abstained from discussion, they conceived that there was one chance left for that species of termination which all good men, and all good subjects, wished to see. He believed that those men betrayed a very imperfect knowledge of human nature and human feelings, who could suppose that the continuance or revival of such discussions was the most likely means of procuring that termination which was so much desired. Since the last discussion, sufficient time had not been given for the natural working of those feelings, and those dispositions, which would alone tend to produce that happy result. He believed that every discussion must naturally tend to produce an irritation, which would diminish the chance, or

retard the period, of such a termination. He conceived that if those discussions were revived, the whole time between the first discussion and the last might be considered as so much time lost in the accomplishment of the object in question. It was upon those feelings that he, and as he believed many other members, deprecated those discussions.

Mr. Whitbread, in reply, said, he was aware of the circumstance stated by the right honourable gentleman (Mr. Canning), that he (Mr. Canning) had come into the House some time after the motion had been read from the chair, and of course had not heard the grounds upon which it had been supported. But he would therefore take the liberty of re-stating, for the information of the right honourable gentleman, and of the numerous members who had come into the House after the discussion had commenced, that he (Mr. Whitbread) had felt a still greater reluctance and repugnance to the bringing forward this discussion than any of those preceding, in which he had most unwillingly embarked. At the conclusion of the last debate upon this subject, he had declared his intention not to re-agitate the question, unless some circumstances very novel and extraordinary in their nature should occur. Such novel and extraordinary circumstances he had found in the letter which had been published in a newspaper on Monday last, purporting to be signed by the Earl of Moira, and acknowledged, as he had understood by the noble Lord, to be his letter. In that letter was a paragraph relating to matters not discussed in any former debate, which was so worded, as in its obvious tendency, upon the first reading, to throw a strong imputation upon the character of the Princess of Wales. Every thing which fell from a person of rank and character so distinguished as the Earl of Moira, must come with the greatest weight. It was known that the noble Earl was very speedily to leave England, to assume a station of high trust and dignity abroad, and it was known that his patron must be at a great distance. He (Mr. Whitbread) was desirous, therefore, that no impression contrary to the true intent and meaning of the noble Earl, should rest upon the public mind; and that he should have the fullest opportunity of explaining, before his departure for the East, the true construction of the part of the letter to which he (Mr. Whitbread) had alluded, which, from the obscurity of its writing, had given rise to an opinion which he was sure rested on a

complete misconstruction respecting Kenny; and at the same time of giving some explanation of the other part of the paragraph respecting Partridge, a menial servant of Lord Eardly, stated upon the authority of the noble Lord to have been at the devotion of the Princess of Wales; and so much in communication with her royal highness, "that she would be sure to hear the next day of his having been examined." Mr. Whitbread said, that if the matter had been suffered to rest till after the departure of the noble Earl, it could never have been cleared up. He was sure no one could so anxiously wish as Lord Moira himself, that an opportunity should be afforded to him of giving the explanations necessary, to guard against and defeat erroneous impressions. Respecting what had been said by the noble Lord (Castlereagh), of his having brought forward this discussion, as he had, according to the noble Lord, brought forward all the former discussions, for the purpose of agitating the public mind, entrenching upon the delicate feelings of the House, he felt not in the least degree hurt by such a charge from such a quarter. Acting as he and the noble Lord did in opposition to each other, there was nothing unfair or unpleasant to him in it. He felt no animosity on that account. Allowances must be made for the noble Lord, from the very distressing circumstances of his situation; but he begged leave to deny the justice of the charge altogether. In all the discussions in which he had accidentally taken so prominent a part, he had engaged most reluctantly, not until driven by the necessity of the case so to do. He thought he could bring evidence to prove, not only to the House, but to the noble Lord himself, that he had not pressed matters one hair's-breadth farther than the justice of the case required, and that he had been as sincerely desirous, as he had declared himself at the conclusion of each debate, that the matter should for ever rest. Had it been otherwise, and had he been actuated by any party feeling or personal opposition to the noble Lord, he might have pressed him much more closely upon the subject of those odious and disgusting inquiries which had for some time been conducted, even secretly, from the noble Lord, but of which he must have had knowledge subsequently. This might have been proved much more deeply. They could not have endured the light. But so disposed was he (Mr. Whitbread) to be satisfied, and so disposed was the public to be satisfied, and to let the matter drop, that when once a general feeling pre-

vailed that the inquiries were at an end, he had pressed the matter no farther. Even in the present case, he had wished and endeavoured to be silent. When first he read the paragraph, he had accepted the obvious interpretation, and determined to ask for some explanation of its meaning; but upon studying it over and over again, he at length discovered what the noble Earl must have meant respecting Kenny, namely, that had Kenny been examined whilst living, he would have proved that there was nothing improper in his (Lord Moira's) mode of making his inquiries of him. Having arrived at that conclusion, he desisted from his purpose; but he had since found that the interpretation ascribed to the words, from their obscurity, was universally injurious to the Princess of Wales. He had, therefore, felt it indispensable to take some public step to obtain explanation as to what related to Kenny and Partridge; and none appeared to him so proper, so open, or affording so full an opportunity to the noble Earl, as the one he had adopted. An honourable friend of his (Mr. Taylor) had done him only justice in recognizing the sincerity of his intentions; but his honourable friend had let fall some expressions which required observation. His honourable friend had said, that the prolongation of these discussions would be productive of no good to the Princess of Wales herself. If his honourable friend only meant that such discussions were generally injurious to all persons in her exalted station, he did not differ from him in opinion; but if his honourable friend meant to state that any length of discussion or closeness of inquiry, could by possibility end in offering any impropriety of conduct in the Princess of Wales, he begged leave to differ from him altogether; and again, in the name of the Princess of Wales, every species of inquiry the most rigid, to admit, to challenge, and to defy.—The noble Lord (Castlereagh) had thought proper to state, that he (Mr. Whitbread) had departed from his original plea of justice, and that it was now evident that all which was wanted was increased establishment. Mr. Whitbread begged to set the noble Lord and the House right upon that point. No wish had been at any time expressed by the Princess of Wales for an increase of establishment; but she did entertain a laudable hope and expectation that some seal might be put to her acquittal, so repeatedly, unequivocally, and universally pronounced; that the constant recurrence of fresh irritation to the public mind might be stopped, and all

ended by some act of recognition, whether it might be under the advice of the minister of the Regent, (which would be the most grateful and the most satisfactory to her and to the public), or by some proceeding of the House. Establishment was the mode of all others she most disliked, but all other measures had been shown to be not within the competence of the House, and on that account alone, he had of his own accord mentioned any thing about establishment. As to the form of the motion, he took it for granted the case was as stated by the speaker, and that it was without precedent; but with that deference he always felt for the high authority in question, he would take leave to say, that a proceeding, although the first in its kind, might rest on very solid ground. His right honourable friend Mr. Ponsonby had observed, that if such a message were sent to the House of Lords, the Lords would not know what answer to give, because, the proceeding pending before the Commons, they could not say whether the leave ought to be given, nor could the individual peer tell whether he ought to consent to be examined. His right honourable friend would observe, that the resolution contained the fullest information both to the House of Lords and to the noble Earl. But, in truth, he was satisfied in having raised the question publicly. He was was sure the noble Earl would not quit the country without putting their true meaning upon his words through such channel as he should think fit, and explaining whatever might be doubtful or obscure. He was glad that his recollection of what had fallen from the right honourable gentleman (Mr. Canning), in a former debate, had been accurate; he recollected the right honourable gentleman to have said, that however he hoped, in common with himself (Mr. Whitbread) or the public, that the House would never again be engaged in these discussions, nevertheless an extreme case might arise, when it would be necessary for the House to interfere. Such extremity he (Mr. Whitbread) deprecated. Nevertheless, if it should in his judgment occur, he should not be prevented by the fear of exciting the astonishment of the noble Lord (Castlereagh), nor by any other consideration, from performing a necessary, although painful duty. From the performance of such duty he should abstain till the last possible moment, and he earnestly hoped, that by some spontaneous and gracious act of recognition, every foundation for such proceeding might be removed.

The question for the order of the day being read, was then carried.

EAST INDIA COMPANY.

The House then resolved into a committee on the affairs of the East India company, Mr. Lushington in the chair: when Captain Cooper was called to the bar, and examined by Mr. Adam, on the part of the company, and afterwards by several members of the House. Upon the subjects of unrestrained residence of Europeans in India, and the prospect or possibility of considerably increasing the consumption of British manufactures amongst the natives, Mr. Cooper gave nearly the same evidence as Mr. Hastings and Lord Teignmouth. Upon the former subject he stated that, if Europeans were allowed unrestricted intercourse and residence in India, it would be extremely difficult, if not impossible, to regulate them, and that it would be easier to remove than to regulate them; and upon the latter subject, that the consumption of British manufactures was very small, and would be always trifling; that the poverty of the mass of the population would prevent its increase; and that, even if they had the means of procuring them, their habits would not allow of their taking off any considerable quantity. With respect to the morals of the Hindoos, this witness considered them at least upon a level with the other natives with whom he is acquainted. As to the political effects of the projected ecclesiastical establishment for India, he would have answered differently, if he had been asked the question two days ago; but certain publications which he had read in the public papers that and the preceding day, had altered his opinion upon the subject. The publication he alluded to was the reports and advertisement of the proceedings and resolutions of the meeting at the London Tavern, Bishopsgate Street, of the friends of the conversion of the Hindoos to Christianity. He was afraid that the inhabitants of India would construe these resolutions into a design, on the part of the government, to establish Christianity by force amongst them; and coupling these resolutions with the measure of providing an ecclesiastical establishment, would consider the latter as resorted to in aid of the former: which impression would be productive of great danger to our dominion in the East. The efforts of missionaries, whilst without support from government, could not do much mischief; but if once they were to be aided by the power and authority of the

state, the danger would be most alarming. The witness was examined at considerable length upon this topic, but still adhered to his original statement.

Lord Teignmouth was then called to the bar, for the purpose of correcting some part of his evidence given on the preceding day. His Lordship stated in addition, in answer to questions put to him by several members, that he thought missionaries, properly licensed, might be productive of considerable benefits in India.

COMMITTEE OF SUPPLY.

The account of the advances made to government by the East India company having been referred to the committee of supply, the House resolved itself into the committee.

The Chancellor of the Exchequer said, that the only vote which he should have to propose to the committee on the present occasion, was for the purpose of repaying the East India company the advances which they had made for the public service. He was sure that the committee would agree with him, that it was peculiarly desirable, while so important a subject was pending as the renewal of the East India charter, that the accounts between government and the company should be wound up, and drawn as near to a close as possible, in order to prevent any just cause of complaint either on the one side or on the other. The East India company had made advances to a great extent; to an extent, indeed, that appeared alarming in the first instance, as those advances were for military services, respecting which no previous estimate had been laid before Parliament. At the same time, the importance of an ally so ready to make such advances was very considerable. In future it was to be hoped, however, that no advances for a similar purpose would be necessary, as no hostile flag waved on the shores of Asia. The Mauritius, Bourbon, and Java, had been subjected to Great Britain; and there was no reason, therefore, to expect any further expensive expeditions in the Indian seas. In future, he hoped that the advances would be entirely confined to the current ascertained expenses of the naval service, of which the previous estimates might always be laid before Parliament. With respect to Java, there was every reason to believe that the revenues of that island would be equal to the expense of maintaining it. It would not be exactly the same at the Mauritius; but the preponderance of the expense over the

revenue would not be very material. He proposed to follow the example of preceding years, by voting a certain sum on account. The advances made amounted, as appeared by the documents laid on the table, to 2,294,000*l.* He should move to vote 2,000,000*l.* on account; and he accordingly moved that that sum be granted to his Majesty, to enable his Majesty to pay the same to the honourable East India company, towards defraying the expenses at which they had been for the public service.

After some conversation, in the course of which the chancellor of the exchequer stated, in answer to questions from Mr. Baring and Mr. Ponsonby, that it was probable, unless the company received certain remittances from India, that they might apply to Parliament for aid; and that the nature of that aid would be to obtain permission either to borrow on their own credit, or if necessary, to obtain the guarantee of the public: the resolution was agreed to, and the House being resumed, the report was ordered to be received to-morrow.

COMMITTEE OF WAYS AND MEANS.

The House then resolved itself into a committee of ways and means.

The Chancellor of the Exchequer said, that the first observations with which he should trouble the committee related to a transaction that had taken place that morning. A proposition had been made by government to a considerable body of bankers to fund a certain amount of exchequer bills, provided the measure should receive the sanction of Parliament. It was proposed to these gentlemen, that under the authority of Parliament 12 millions of outstanding exchequer bills should be immediately funded in the same stock as that in which they had lately been uniformly funded; namely, the five per cent. navy annuities. For every 100*l.* so funded the subscribers to receive 115*l.* 10*s.* of those annuities. There appeared every reason to believe, that notwithstanding the premium which the subscribers would enjoy was smaller than on most other occasions of a similar nature, yet that it would be generally satisfactory and acceptable. The rate of interest the public would have to pay on this 115*l.* 10*s.* would be 5*l.* 15*s.* 6*d.* which, added to the sinking fund, 1*l.* 8*s.* 1*d.* would make a total charge of 6*l.* 18*s.* 7*d.* for every 100*l.* of exchequer bills funded. On comparing this charge with the charge which

would have been incurred, had the funding been agreed upon to take place in the 3 per cents. at the present prices of the two stocks, it would appear that the total charge would be nearly equal. If therefore it was an advantage (and it certainly was so) to create 5 per cent. instead of 3 per cent. stock, that advantage had been obtained without any additional charge to the public. It was true that last year, in the first instance, only 108*l.* 5*s.* in the navy 5 per cents. had been offered for every 100*l.* of exchequer bills; but the measure succeeded only partially. Less than half the amount required was funded, and it was not until a considerable addition was made to the premium, that the whole sum, amounting to above 12 millions, was subscribed for. That, however, which he had mentioned, was only a part of the proposition which had been made. In addition to the proposal for funding 12 millions of exchequer bills, it had been deemed advisable by government to give an option to such of the holders of exchequer bills, as might think fit to subscribe an additional sum of 50 per cent. in money; for which they should receive debentures. It appeared desirable to vary as much as possible the nature of securities of this description, and to multiply them from year to year, as occasion might require, in order to suit the different classes by whom they might be held. It was thought advisable, therefore, to propose, for this additional subscription, a security between that of the public funds and that of a floating security (such as exchequer bills) transferable from hand to hand. For this purpose it had been proposed to issue debentures, bearing an interest of 5 per cent. capable of being funded at a certain period at a fixed rate of stock, transferable by indorsement alone, and thus possessing a character of greater solidity than that species of security which was transferable from hand to hand, and which was therefore subject to deterioration by loss or robbery. It was proposed, that the interest on each of the debentures should be payable in April and October, and that it should be at the option of the holders to have them paid either in money or in stock, on the 5th of April 1815, or any 5th of April afterwards during the war, or finally on the 5th of April, 12 months after the ratification of a treaty of peace. If stock were accepted, it should be exchanged for these debentures, at the following rates, viz. for every 100*l.* debenture, 100*l.* in the 5 per cent. navy annuities, 120*l.* in the 4 per cents.

or 150*l.* in the 3 per cents.; the funding in any of those stocks at those rates bringing an equal charge on the public. By this measure an advantage would be gained by the public of obtaining whatever sum of money might be subscribed, at a rate of total charge of 18*s.* per cent. less than would be created by the funding of exchequer bills; and the loan which it would be necessary to contract, would be very much diminished—an object under the present circumstances of the highest importance. While the public derived this benefit, the holders of debentures would enjoy the advantages he had already enumerated, of having, at a fixed period, an option of stock or money, and in the mean while of possessing a security as readily transferable, and yet more stable in its nature, than exchequer bills. He was aware it might be said, that in granting an option to the holders of debentures to take stock or money, they would of course take that which at the period would be most against the public. But on a fair consideration of the subject, he thought that this and other disadvantages would be fully compensated by the advantages which the public would derive from the plan. In the first place, if the stock were preferred, there was no reason to suppose that, at the period contemplated, the funding would be more disadvantageous to the public than at the present moment. He had already stated his intention to propose a grant to the commissioners for the reduction of the national debt, of 1 per cent. on all exchequer bills outstanding. He also proposed an addition of 1 per cent. on the debentures as sinking fund, that they might be redeemed at the same period. He was not sure that he had explained the nature of the securities sufficiently to gentlemen who were not so conversant with such matters, as those with whom he had conversed in the morning; but he had given an outline of their character, and he should be happy to afford any further information respecting them that might be required. The amount of the charge that would be brought to the public, if the whole should be accepted, would be 960,000*l.* consisting of 5 per cent. interest, and 1 per cent. sinking fund. He would now proceed, in conformity to his notice, to submit to the consideration of the committee the taxes which would be necessary, in order to make that provision for the sinking fund which was involved in the bill in progress through the House, provided it passed into a law. If, on the other

hand, Parliament should not think it advisable to give the bill their sanction, at least he would not be liable to reproach for having neglected to provide supplies which might be applicable to defray the charge and sinking fund of exchequer bills outstanding. Reverting to the financial occurrences of 1802, he observed, that although the noble Lord then at the head of the treasury (Lord Sidmouth) did not provide a sinking fund for the sum funded in that year, yet the taxes imposed to defray the interest and charges of that sum had exceeded by four or five millions the estimate. This excess of produce, which went to the consolidated fund, he (Mr. Vansittart) might have been justified in applying to the services of the current year; but it was so important to maintain the consolidated fund, that it appeared to him to be very inexpedient to take such a step, and to be far better, however inconvenient in other respects, to add to the existing taxation. In addition to the 870,000*l.* which, in the development of his financial plan, he had shown to be necessary to supply the drain on the sinking fund, the committee would recollect that in providing the supplies for the last year, there was one proposition, the auction duty, which he had calculated at 100,000*l.* and which having abandoned, it became necessary for him to supply the consequent deficiency in the consolidated fund. The total sum, therefore, that it became necessary to raise by permanent taxes, was nearly a million of money, viz. 870,000*l.* to be applied to the sinking fund, and 100,000*l.* the deficiency occasioned by the abandonment last year of the auction duty. For the purpose of providing the last-mentioned sum, it was his intention to propose to the committee an additional duty on tobacco, equal to that imposed on it last year, which duty he would estimate at 100,000*l.* although probably it would produce more. He was not aware that this new tax would occasion any inconvenience; or at least he was persuaded that it would occasion as little as any that could be devised. With regard to the greater sum of 870,000*l.* the principal tax that he meant to propose to meet it, was an increase of the custom duties. He thought this would be infinitely preferable to any augmentation of the assessed taxes, or of the stamp duties, which had lately been so much increased. As the most convenient mode, he proposed to raise the sum of 8 or 900,000*l.* by a general increase of those duties, with certain exceptions. These exceptions were the duties on

tea, sugar, wine, raw silk, and cotton wool. On the other articles which paid custom duties, he proposed an increase of 25 per cent. No such general augmentation had occurred since 1804, and only one partial and small increase in 1805. Under the existing circumstances, this increase would be comparatively little felt. For the country had, until recently, been so excluded from foreign trade, that until lately all foreign articles had come to our markets, what with the the difficulty of transmission, the charge of freights, &c. under an augmentation of expense greatly exceeding the proposed rate of duty. Many circumstances had, however, recently combined to render those articles at the present moment cheaper to the consumer, even with the increased tax, than they were last year without it. He would estimate the amount of this increase of the custom duties at from 850 to 900,000*l.* In addition to this augmentation of the custom duties, he meant to propose a slight augmentation of the excise, in a particular branch of it. He proposed that this should take place on French wines, an article of mere luxury, entirely confined to the higher orders; and if checked in the importation, or wholly shut out, he should consider it to be a national advantage. (*hear, hear!*) On French wines, he proposed to lay an additional excise duty of 18*d.* a bottle, which would be about 18*d.* to the consumer; a tax that could not be considered very burthensome to the country. The produce he estimated at 30,000*l.* no very important sum, and one indeed which it would hardly be worth while so to raise, were not the subject itself one so proper for taxation, that even were it likely to produce less, or were the consumption to be so diminished as to lessen the existing produce of the duty upon it, he should still feel it to be his duty to make his present proposition. The estimated produce, therefore, of the permanent taxes would be, 850,000*l.* from the general increase in the consolidated duties of customs, 100,000*l.* from the duty on tobacco, and 30,000*l.* from the duty on French wines, making in the whole a sum somewhat short of a million, to answer two objects—to the supply of the sinking fund, and to make good the defalcation occasioned by the relinquishment last year of the auction duty. And here he would observe, that although he had thought proper thus to replace the proposed auction duty, he had by no means lost sight of it. He did not think it would be satisfactory to take it for the purpose of

contributing to the immediate supply; but he reserved to himself the liberty of proposing means to prevent fraud, and to regulate the duty, if he should hereafter find it necessary to do so. Those which he had mentioned were permanent taxes. He should next propose to lay some further taxes, under the head of war taxes, for the general purpose of assisting the supplies for the year, and for the particular object of providing for the 1 per cent. sinking fund on exchequer bills outstanding on the 5th of January of each year, to be granted to the commissioners for the reduction of the national debt. These war taxes he wished to class under the heads of imports and exports. The first that he should propose would be a general increase of duty on the importation of all goods and merchandize the manufacture of the French Empire, and of all countries dependent on France. It was true that trade licences to France and her dependencies were not now granted by government, but it was obvious that circumstances might render it politic to renew them; and we had an undoubted right to retallate on the enemy all the oppression in which he had persevered against our commerce. He proposed to double the war duty on such articles. Those war duties were at present equal to one-third of the consolidated duties. He proposed to add to them the amount of the other two-thirds, thus making the whole of the duties in war double the duties in peace on French goods. It was extremely difficult to estimate the probable produce of this increase. If he took the average of the last three years, he would say that it might amount to 200,000*l*. Some articles were wholly prohibited; of others, the difficulty of importation was great; but by taking the various articles, and allowing one as it were to insure the other, he was confident the produce would not fall short of that which he had just stated. With respect to the exports, the trade about to open, would in all probability be so great, that no material inconvenience could, in his opinion, arise from adding a half per cent. to the present export duties. In peace, such a proposition would be impolitic; not so at present. He calculated that it might produce about 150,000*l*. and on this branch of increased revenue he thought he might confidently rely. [Mr. Baring here reverting to the increased import duties, asked the honourable gentleman to what countries they were to be applicable?] Certainly the increased import duties would be on goods coming from all countries depen-

dent on France. It would give him great pleasure to see those duties lessened by the diminution of the number of those countries. (*hear, hear!*) They were not to attach to the exports of any country in amity with his Majesty; and the declaration of that amity would immediately cause the cessation of those duties. The only other additional duty on exports which he meant to propose, was a duty of a penny a pound on the exportation of foreign hides, which would operate very advantageously on our leather manufactures in foreign markets. The only remaining article of proposed taxation was one which he was induced to adopt on political as well as on financial principles—it was a duty on the importation of American cotton wool. The American government had declared their principal ports in a state of blockade, extending from Rhode Island southward; thus endeavouring to deprive our manufacturers of that important raw material. He had every reason to believe, that, if proper encouragement were given to the importation of cotton wool from our own colonies, this stoppage on the part of the Americans would be wholly innoxious to this country. It was obvious, however, that to create this encouragement, it would be necessary to secure the merchant, bringing cotton wool from such a distance, against losing by his speculation. If the merchant incurred the danger of having his cotton intercepted in our market by the American cotton, he would be in a state of little promise and great uncertainty. Unfortunately such an occurrence had lately taken place: when the American government imposed the embargo on their ports, which occasioned a temporary stoppage of the exportation from the United States of cotton wool, encouragement was given by government (in order to prevent injury to the British manufactures) to the importation of large quantities from our own colonies. But unluckily it came too late—the Americans had taken off their embargo; and, unprotected by such a countervailing duty as that which he (Mr. Vansittart) was about to propose, the British merchant sustained very considerable loss. It was to prevent the occurrence of similar events that he was induced to make the proposition to the committee. The committee were aware that the Sea Island cotton was the finest imported from America. The object which he had in view was, to procure the fine article from the East Indies, by affording a sufficient encouragement to the importers. There was at

present a sufficient quantity on hand of every kind, except the Sea Island, and it was a necessary ground of the measure intended to promote the importation of the finer kind, to prevent the ruin which would fall on the importer by any sudden competition. With this view, he proposed to lay a protecting duty of three halfpence per pound on all American cotton imported in British ships, and a duty of sixpence per pound on all such cotton imported in foreign bottoms. There was only one objection to this measure, which was, that it would raise the price of the raw material on the manufacturers in the first instance, and eventually on the consumer. With respect to the home consumer, he thought, however, that it could be hardly felt; and with regard to the export trade, he thought there was no reason to apprehend any rivalry on the continent of Europe, and America was at present out of the question. He apprehended that no fear could be entertained of any competition on the continent, when the duty now existing there on cotton was five shillings per pound, whereas the duty in contemplation here would only amount to ninepence entirely, which threw at present a sort of monopoly of this article into our hands. He conceived, at the same time, that it would be desirable that government should have the means of varying this measure according to circumstances; and with this view he had in contemplation to propose that a power should be given to his Majesty in council to suspend or reduce any of those war duties, according to any circumstances which might arise at this important crisis to make it expedient to do so. The right honourable gentleman then concluded by saying, that he hoped he had provided the charges required by the public service in the least objectionable manner; and proceeded to move his first resolution, for providing for the outstanding exchequer bills.

Mr. Baring allowed that the honourable gentleman had made very ample provision for the purposes which he intended; and though he (Mr. Baring) should not now make any observations on the financial part of the statement laid before the committee, he could not suffer the proposed measure of laying a duty on the importation of cotton from America to pass unnoticed, conceiving it to be a subject of the first importance. He felt no personal inducement for opposing the measure, as he was neither a manufacturer or importer; but his attention had been particularly directed to the subject, in consequence of Mr. Perceval having at-

tempted to introduce a similar measure two years ago, which he afterwards abandoned. The same objections still existed to the measure; and there was a greater degree of danger, for the proposed duty was larger. The committee must be aware, that if American cotton came at all to this country, it must come in neutral bottoms, and therefore that the whole groundwork of giving encouragement to British shipping was nugatory. The committee should pause before they sanctioned a step, which, if it proved to be a false one, would endanger the industry of so many thousands, and a capital of so many millions. If it ended in establishing a competition to any extent, the mischief would be irretrievable; because, though the right honourable gentleman spoke of a suspending power to be vested in his Majesty in council, it must prove wholly insufficient as a remedy after the evil had occurred. The encouragement of the raw material he thought the last step which a practical statesman could take; and he trusted the absurdity and danger of the measure would be proved by evidence at the bar of the House, which he thought it the duty of those gentlemen connected with the manufacturing districts to call for. The fact was, that India did not produce the cotton they wanted; and it was well known that the Sea Island cotton was selling at 20 pence per pound, while the best East India cotton did not bring more than half that price. The honourable gentleman next contended, that it would be impossible to keep the American cotton out of the market by blockading the American ports, as the improving state of Europe would give a neutral character to the countries along the Baltic; and the cotton would find its way through Georgia, Florida, and the Missisippi, and by the inland navigation down to St. Augustine, from whence it would be exported, in spite of the whole navy of Great Britain. Besides, it might be exported in the first instance to the ports of Portugal, and the manufacturers would have to pay the increased expense of the circuitous navigation to this country. The more the subject was considered, the more the House would see the danger attendant upon the proposed measure; and though he was reluctant to oppose any measure which had for its object the supplying of the public exigencies, yet he certainly felt it his duty to oppose the present measure in every stage. The hollow policy of attempting to force a growth which was not natural to a country, had been successively demonstrated

by the orders sent for cotton to the East Indies at a former period, which, when it arrived, could not be made use of; by orders sent for rice, which, when it arrived, found us all in plenty; and by orders for hemp, when we quarrelled with Russia.

Sir Robert Peele, as a person long acquainted with the cotton trade, and a witness of the rapid improvement in the manufacture since Arkwright's invention, strongly deprecated the proposed measure. The improvement effected had attracted the notice of Mr. Pitt, so much that he thought it desirable to encourage the importation of the raw material from all parts of the world, free of duty. The brutal policy of Bonaparte had shut out our manufactures from the continent, and now, when a favourable opening was appearing once more, the right honourable gentleman was going to impose taxes which would produce all the effects of Bonaparte's decree. The poor people were just recovering from the distress they had so deeply experienced, but he was persuaded that this measure would again involve them in misery not much inferior to that which they had already experienced. He would venture to assert, that if the raw material was suffered to come free into the ports of Great Britain, that the produce to the revenue would be three times as great from the export of manufactured goods, as from the duties now proposed to be laid on the raw material. It had been the wise maxim of Mr. Pitt to get as much as possible of the raw material into the country, and when there was a surplus, to let it find its way out again. They were told that this duty was intended as a regulation to encourage the cotton of the East Indies, but he would ask, whether they were always to be at war with America? (*hear.*) Were they to send their money for the raw material to the East Indies, when their manufactures would not be worn in return? He hoped this mischievous policy would not be adhered to, and that the good sense of ministers would induce them to abandon it.

Mr. Phillips expressed his unqualified disapprobation of the proposed tax, and implored the right honourable gentleman to recede from his intention of carrying a measure which he thought was impolitic, which he believed would be unproductive, and which he knew was oppressive.

Several other members spoke on the same side.

The Chancellor of the Exchequer observed, that all the

arguments which he had heard urged against his proposition, applied to the single prominent point which he had advanced in introducing it. There were reasons and considerations behind, which he hoped would persuade the House that it was a beneficial and necessary measure. He was, however, perfectly satisfied that this particular question should be kept open and separate for a future discussion.

Mr. Ponsonby conceived the objections to the measure to be so strong, and the danger of alarming persons interested in it, by appearing to give any sanction whatever to it, that he should certainly take the sense of the House upon it before it arrived at that stage when the report of the committee would be received.

After a few words from Lord Castlereagh, Lord Stanley, and Mr. Vansittart, the second reading of the resolution was postponed to Wednesday.

The remaining resolutions were then read, and the report ordered to be received to-morrow.

NEW PLAN OF FINANCE.

Mr. Bankes moved for an account or calculation of the amount of the sinking fund, as it would exist in the month of January 1813 and 1814 respectively, should no alteration take place in the acts of 1792 and 1802.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 1.

ST. PANCRAS CHURCH BILL.

Mr. Mellish moved the second reading of this bill, which was opposed by

Lord Clive, on the ground of the inutility of the measure proposed. There were already, besides the parish church, five chapels of ease in the immediate neighbourhood where it was proposed to erect the church in question. The effect of enacting the present measure, therefore, would be, to deprive the inhabitants in distant parts of the parish of every chance of the right of divine worship.

Mr. Stephen said there were upwards of 50,000 inhabitants in this parish; the parish church and the chapel of

case afforded accommodation only to 600 persons; so that, according to the present establishment, only *one* in *eight hundred* could be accomodated by hearing the Gospel.

Mr. Byng spoke against the bill.

Sir James Graham thought it unwise to press it, the bill being disapproved of by the great majority of the population and of the property of the parish.

Mr. Mellish had been desired to take the sense of the House upon the measure, and therefore had no alternative.

On a division the numbers were,

For the second reading now - - -	38
For the second reading this day six months	54
Majority against the bill - -	16

EAST INDIA AFFAIRS.

The House resolved into a committee on East India affairs, but nothing of public interest occurred.

WEYMOUTH ELECTION.

Lord A. Hamilton, in pursuance of his notice, rose to move, that the remainder of the evidence taken before the Weymouth and Melcombe Regis election committee be laid before the House to be printed. He observed, that upon this subject some prejudices had prevailed, which he trusted he should be able to remove, as well as to show that it was important that all the testimony taken before the committee should be produced. The report made was, that three of the sitting members were disqualified, in consequence of a breach of the act against treating; and a special report was subjoined, stating that certain abuses prevailed to a great extent among the voters of the borough. Much of the evidence taken applied, however, to a third point not hitherto openly noticed, the improper and illegal interference of the Duke of Cumberland to procure the return of certain members. Whenever a charge of this nature was substantiated, (as he conceived it to be in the present case) it became the duty of Parliament to interfere, unless it meant to hold forth to the world, that its declarations and its resolutions against such illegal influence and interference, adopted at the commencement of every session, were mere matters of form, that ancient, but useless custom had prescribed. He did not intend to impeach the decision of the committee on

the Weymouth election, although perhaps he had differed in the conclusion of the majority; but he wished to call the attention of the House to a subject not noticed in the report, though expressly stated in the petition against the return of the sitting members. If the House wished to preserve its own purity, or to maintain the respect in which it was held by the people, it behoved it very seriously to consider the present case, and to apply to it the resolutions which, only a very short time since, it had adopted upon this subject. Before he proceeded further, he should beg the clerk to read part of the petition on the subject, and the resolution which the House entered into at the commencement of each session. [The clerk accordingly read the part of the Weymouth petition, complaining of the interference of Peers of Parliament, and the resolution of the House against such interference]. Having thus proved the fact of the complaint, and that the offence complained of was contrary to their resolutions, he should call on the House to give him documents to bring home the fact to the persons charged with the offence. If their resolutions against the interference of Peers in elections were not to be acted upon, their only use was to form a snare to himself and to others bringing forward similar measures, and a subject of derision to the country. It was, no doubt, disagreeable to pass any censure on persons of the rank of those charged in the present case; but their own characters ought not to be sacrificed to such considerations. The subject which he had now brought before them had given rise to a rumour that the committee would found an official report on it, and the evidence on it had been circulated through the country in the newspapers. This evidence he had verified by comparison with the minutes of the committee. He should read a letter from the Duke of Cumberland, which had been published, and which he had compared as above. The noble Lord then read from a paper in his hand the letter from his royal highness, dated St. James's, 1812, to J. F. A. Stewart, and a part of the evidence, in which it is proved that his royal highness had a private conference on the subject with a candidate concerning the business of the election, which is already before the public. He should assume from this that his case was established. It had been said out of doors that his royal highness acted only as a trustee, and this argument must be supposed to have had weight with the committee; but there were three other trustees who might have legally interfered

in the motion, but they did not interfere, as it appeared that the Duke of Cumberland wished to have the management of the whole business. The House had always scouted the idea of any parliamentary reform, but the advocates of that measure would read this evidence and declare with justice, that the House of Commons was unworthy of their confidence. There was one fact which had escaped him, which he should state to them. The Duke of Cumberland had got into his possession the writ for the election, and had paid the price for it. This in itself was so palpable an interference, that if it did not rouse the House to resent it, any attempt to awaken them to a sense of their own dignity would be fruitless. He had waited for some time to see, in the first place, whether any special report were made from the committee, and in the next place, whether any member of that committee would draw their attention to the subject; but having waited in vain, he could not see the evidence circulate without notice. He should, in the first place, call for the documents, and then, if the evidence were as he described them, he should feel it his duty to propose some measure, which, however, it would be proper at present to abstain from determining on. His Lordship concluded by moving, that there be laid before the House, such parts of the report of the committee on the election petitions from Weymouth and Melcombe Regis, as were not included in the report of the committee to whom the special report of the said committee was referred.

The motion having being seconded,

Mr. C. Long said, he had never heard any measure less parliamentary than the present motion. The subject of the Weymouth election had been referred to a special committee, and that committee had determined upon the whole of the case. The fact that there was evidence concerning the interference of Peers before the committee, was a reason for not entertaining the present motion, as it was a proof the committee must have determined on the subject. An accusation had been made respecting the interference of some of his Majesty's ministers; and he was astonished to hear that he himself was alluded to, and from the manner in which his actions had been coloured and exaggerated, he supposed the same was the case with the Duke of Cumberland, whom he had seen accused in an *ex parte* statement of an advocate published in a newspaper; a measure which he had hoped the committee would have resisted. His own

part in this business was this—a relation of his at Weymouth had been kind enough to say, that he would vote for any one whom he (Mr. Long) would recommend, and he (Mr. Long) having, in writing a recommendation accordingly, used the plural number, it was proved, by a logic worthy the discovery to which it had been applied, that "we" meant "his Majesty's ministers." This interference was construed as destructive of the freedom of election, though even the tyranny of jacobinism could not allege that men in office should be precluded from exercising their elective franchise. The advocate was right in saying any thing to advance the cause of his client; but as the committee had decided on the matter, he should move as an amendment the order of the day.

Mr. Alderman Atkins said, that the committee, of which he had the honour to have been chairman, had decided on all the evidence, and judged the charges to be unfounded. A specimen of the charges of the interference of Peers, was one against Lord Rivers, brought forward with great solemnity. The witness said, he had told a man Lord Rivers would be obliged to him if he would vote for such and such candidates. "Q. Had you Lord Rivers' authority for your saying so? A. No! I only knew it would be agreeable to him that that candidate should be returned." He did not know with what propriety the House could entertain the question which had been determined by the committee. As to the obtaining the writ, many members of that House must have practised the very same thing, and no inconvenience had resulted in this case from it.

Mr. W. W. Wynne said, he should not have troubled the House, had not the speeches of the two gentlemen who had preceded him, contained arguments totally subversive of the principles of election committees. All election committees were courts of judicature, to try, under the act of Parliament, whether the sitting members were elected; and after a report on this subject, which they presented as of right, they might present any special report, which it was at the option of the House to receive. He had never heard any thing so misconceived as the present question by the gentleman opposite. The noble Lord (Lord A. Hamilton) had read evidence which he had pledged himself to authenticate. If this were correct, no one could doubt the existence of a breach of privilege. What was the answer to this? The right honourable paymaster of the forces had

said, that this evidence against the Duke of Cumberland must be exaggerated, because the *ex parte* of an advocate as to the right honourable gentleman's conduct was not true. The honourable chairman of the committee (Mr. Atkins) had reasoned, that because there was no evidence against Lord Rivers, there was none against the Duke of Cumberland; that because it was improper to report on the case of Lord Rivers, the charges against them were supported by no evidence; *ergo*, it was not proper to report concerning the charges against the Duke of Cumberland, which had been supported by his royal highness's own letter. There was a material difference in the purchasing of the writ by a commoner, in whom it was lawful, and by a Peer, in whom it was not. It was no light case which should suffice to make them enter on the grounds of the determination of the election committee. But that committee was not bound by its oath to report on any thing except what came under its notice in its judicial capacity. He (Mr. W. W. Wynne) should have voted against any inquiry which might have affected the sitting members. It was impossible to know what part of the evidence was material even as to the bill before them, as what might appear immaterial to one, might not appear so to another member. Some of the extracts laid before them were unintelligible for want of the context. And thus, even as to the bill on the subject before the House, there was sufficient ground for the present motion.

Mr. Bragge Bathurst said, there was every thing before the House connected with the special report of the committee. With respect to the interference, to prove which was the object of the noble Lord's motion, it was no doubt true, that the committee might have reported that matter to the House; but after the committee had decided on the subject, it was not for the House afterwards to take it out of the hands of the committee, or to call the committee before their tribunal. (*hear!*) He understood from the chairman of the committee, that they did not think this a fit subject to be laid before the House. If this interference was an abuse, a point which he did not wish to assume, it was better that it should be left entirely to the decision of the committee, than that the House should interfere in it.

Sir John Newport observed, that in all which regarded the right to a seat, the House were bound to agree to the decision of the committee; but on every other point it was discretionary with the House, whether they should enter

upon its consideration or not. He was astonished that the right honourable gentleman (Mr. Bragge Bathurst) should have the smallest hesitation, whether a Peer of Parliament interfering in an election was an infraction of the privileges of the House. Did not the resolution of the House expressly state that Peers should not interfere in elections? That the possession of the writ for Weymouth by the illustrious Duke, was a breach of that resolution, it was impossible to doubt; but they had the evidence of the chairman of the committee, that they thought the possession of the writ was not a breach of their resolutions. The higher the rank of the individual, it behoved the House to be the more guarded in their conduct, as they might rest assured that the public would view that conduct with suspicion and jealousy.

Mr. Rose said, when the House delegated the judgment on an election petition to a committee, they delegated to them the cognizance of every matter which arose out of the question before them. There was no instance where the House had ever looked into the proceedings of a committee, to see whether there was any thing else worthy of notice, on which they had not reported. If such a practice were tolerated, it would be in the power of every member, at all times, to bring every election case a second time before the House.

Mr. Whitbread said, if he were to sum up the whole of what had been said by a right honourable gentleman (Mr. Bragge Bathurst), who spoke a good deal, and very little to the purpose, it was, that if this motion were entertained, it would place the committee in a very awkward situation. The case alluded to was a most flagrant violation of the privileges of the House. His noble friend had stated, that the royal Duke had interfered in the election of Weymouth in two ways: 1st, In obtaining possession of the writ. This was stated by an honourable gentleman to be no interference; because, forsooth, the messenger of the Duke had travelled as fast as any messenger of a commoner could have done. But it was in the power of the royal Duke to have hastened or delayed the writ, whichever was most for his interest. The circumstance of the writ being in his possession, was a direct infraction of the privileges of the House. 2dly, There had been an interference by letters. The royal Duke, in a letter, told his correspondent for whom he must vote, and said that he had had a conversation with Lord Liverpool about a

certain place; but as it was already promised, he would procure for him another. Why the royal Duke had so interfered, they knew not, except that he was trustee under a will, with three commoners as co-trustees. It so turned out, however, that all those commoners were controlled by the illustrious Duke, and that he procured to himself the whole management. A right honourable gentleman opposite (Mr. Rose) might recollect, that in the case of a Hampshire election, he had brought before the House a letter written by a secretary of the treasury, who was connected with the county of Hants, soliciting a vote for his friend. The House had a right to inquire into the business, and it was their duty so to do. But, said the honourable gentleman opposite, if the thing be not passed over, it will put the committee in an awkward situation.' But if they were to act on this principle, and professing, as they did in the preamble of the bill lately brought into the House, to have inquired into, and to wish to reform the abuses practised by the election of Weymouth, it would be at once felt by the public that they had swallowed a camel, and were straining at a gnat. What would be the effect of that bill? It would give this borough fast hold to the royal personage during the time of his administration of the trust. This would be the effect of the bill (*no, no!*) if it were carried as originally framed by the worthy alderman.

Lord Castlereagh said, if the noble Lord could state that some evidence given respecting the splitting of votes was not before them, then it might be allowed to move for that evidence; but with respect to any other question not reported to the House, the production of evidence could not be tolerated. The question for the consideration of the House was, which of the modes was most likely to answer the ends of substantial justice? The extent of the oaths taken by the members of the committee was much larger than the seat of the member, they were bound to inquire into all the matter contained in the petition. Now the petition in this case went beyond the splitting of votes, and complained of the breach of the privileges of the House, supposed to have been committed by peers and others. The committee did inquire into these matters, under the sanction and penalty of an oath. Not denying the paramount authority of the House, he put it to their sound discretion, whether it was not a proceeding which was likely

to lead to great confusion, and to a confluation of jurisdictions. Members not acting on oath like the committee, and differing in opinion with them, might bring the whole of every case, except the seat before the House, on almost every occasion. This would be a greater grievance than that which the Grenville act was intended to remedy. It would open a door to party and ministerial purposes.

Mr. Brand observed, that if any gentleman in his place were to state that a peer had interfered in an election, contrary to the resolution of the House, would they reject any motion made on the subject? Why then reject such a motion, because such an interference had been submitted to a committee, and that they had not reported it? He knew not why the committee did not report it, but when a noble Lord stated the circumstance in his place, the House were bound to entertain his motion.

Mr. Abercrombie, though aware of the inconvenience which would attend a general interference of the House with the proceedings of committees, thought there were circumstances in this case, which called on them to inquire into it. The gentlemen who composed the committee might perhaps think that their functions were limited to the right of seat, and did not extend to the guardianship of the privileges of the House.

Lord Brooke, as one of the committee, felt himself called on to say a few words in answer to what had fallen from the honourable gentleman who spoke last but one. The letter, as it was read by the noble Lord, had received a different interpretation from that put on it by the committee; the committee went into all the matters of the petition. In answer to the honourable and learned gentleman (Mr. Abercrombie), he would say, that if this interference had occurred to the committee in the light of any thing flagrant, they would have reported it to the House. He wished the House to put confidence in their committee, and to believe that they had done their duty, and taken all the circumstances of the case under their consideration. If the committee have come to a wrong judgment, then it was competent for any member of the House to bring the whole business under the consideration of the House. He was apprehensive, that the measure proposed would lead them to interfere with the jurisdiction of the committee. It would be transferring the House into an appellant jurisdiction.

Mr. Ponsonby said, that upon the matter, that is, upon the merit of the petition, the committee must have given a judgment, however difficult it may be for them to decide between the competitors. With respect to the other matter, it was merely a subject of discretion whether they should make a special report or not. The special report of the committee could not surely take away from the House its appellant jurisdiction. Nor did it follow, because the committee was silent, that the House was not bound to inquire into the business. Was it to be taken for granted, that the powers and discretion of the House were bound by what the committee had already reported on this subject? He could not think, that the honourable and learned member (Sir Thomas Plomer) meant to argue against the competency of the House, but rather against the expediency of its interfering in this business. The present case was of an unusual kind; for in it there was a double species of interference, that of a peer of Parliament, and at the same time of one who was a member of the royal family. Taking the subject in this light, he might ask, were such things as those alleged proved against any other peer, would the same state of things appear, such as they had it before them at present? or was it to be allowed, as it seemed to have been insinuated, that it was competent to the members of the royal family to transgress with impunity, except when it was extremely flagrant? He was convinced, had it happened to be the case of any other peer, that the state of things would not be such as it was at present; and were this case to be passed over without due animadversion, he was sure that many more serious offences of a similar kind would occur hereafter.

Lord A. Hamilton said a few words in reply; after which the House divided, when there appeared,

For the motion - - - - -	57
Against it - - - - - -	105
Majority - -	48

Adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 2.

PETITIONS FOR PEACE.

Lord Holland stated, that several petitions had been entrusted to him, which he thought it his duty to present, and to state that he concurred with much of what was stated in them, but that it was not his intention to ground on them any motion. The petitioners, in very eloquent and forcible language, depicted the evils that resulted from the continuance of the war, and expressed their opinion that a fit opportunity had arrived for entering into a negociation for peace. He was as sincerely desirous of peace as the petitioners, but he had thought it right to state to them when they requested him to present their petitions, that he thought petitioning Parliament on the subject rather tended to defeat their object. That they should afterwards, notwithstanding, request him to present their petitions, was to him a gratifying proof of their confidence in his sincerity of the desire he had expressed for peace. He had great hopes, after the glorious successes of our ally, that an opportunity might be found for putting an end to the calamities of war, but these hopes had now become much fainter. He could not know what opportunities ministers might have had of opening a negociation, but he was willing to believe that no fit opportunity had been neglected. He trusted, however, that they entertained no chimerical notion of wresting from France what she had acquired during the last 20 years, or of humiliating the great prince who now ruled that country. He could have wished, however, that some declaration had been put forth, explicitly stating the objects for which we were at war, and which, if properly expressed, must, he conceived, have had a manifestly good effect, not only in satisfying the people of this country, but in indisposing the people of France to make further sacrifices for the continuance of the war. That such a step had been taken, was the more to be wished after a proclamation which had been published, addressed to the people of France, and with which he trusted ministers had no concern; but although they had no concern in the issuing of such proclamations, still the appearance of connivance, which the absence of any declaration on their part

carried with it, would naturally have a bad effect in France, where he did not believe any Frenchman could be found ready to shed his blood in the cause of those whose names appeared to such proclamations, nor did he believe that any Englishman would be disposed to spend sixpence in such a cause. In stating that he did not intend to found any motion upon these petitions, he was far from intending to condemn motions for peace in Parliament. To do so, would be to condemn his own conduct, and that of those whose memory was still dearer to him than his own fame. He, on the contrary, thought, that where a war was conducted upon a principle vicious or injurious, or carried on for objects visionary or impracticable, it was the duty of Parliament to interfere. Upon the present occasion he did not think it necessary to make any motion, but he must express his regret that no explicit declaration had been made of the objects of government in now carrying on the war. Before he concluded, he wished to rescue himself from a misrepresentation of what he said upon a former occasion. He had been stated to have intimated that he would make the independence of Spain a sacrifice in negociation: what he actually said was directly the contrary—that no consideration ought to induce a consent to sacrifice the independence of Spain under Ferdinand and the Cortes, and he now declared the same opinion. Sacrifices undoubtedly must be made, whether in war or negociation; but every consideration of generosity, interest, and policy, called upon us to stand firm by the cause of Spain, now indeed more than ever, and on no consideration ought we to consent to any peace that did not distinctly recognise the independence of Spain under Ferdinand and the Cortes, the only legitimate authority acknowledged by the Spanish nation. His Lordship then presented petitions from Derby, Ashby de la Zouch, Loughborough, and other places, in favour of peace, which were ordered to lie on the table; also nine petitions from Nottingham and its neighbourhood, to the same effect, which his Lordship stated to be printed; but that being deemed no objection, the signatures being in the same sheet, they were likewise ordered to lie on the table.

EAST INDIA QUESTION.

The Marquis Wellesley said, he rose to move that the Lords be summoned for Wednesday, when he proposed to bring forward a motion for papers relative to the India pro-

positions referred to a select committee. To the appointment of a select committee for the purpose of examining evidence, he had no objection; but he had expected that ministers would previously have given some explanation of their views upon this most important question. This was the more necessary, as there was an ambiguity in some of the propositions, which rendered it difficult to understand them; and it appeared to him that the principle upon which the propositions professed to be founded at their commencement, was given up in their progress. This principle was the preservation to the company of all their political rights, and yet it appeared to him that the propositions which followed, would shake the foundation of their political rights in India, and so diminish their receipts at home, as to render them incapable of meeting the necessary demands. There seemed to him to be delusive prospects held out equally to the company and to the merchants of this country, an unintentional delusion, he was satisfied, but still delusive, as professing to maintain the rights of the company, which would be endangered; and to open the trade to India to the merchants of this country, but which would be so fettered by the proposed regulations as to be unproductive. The propositions, therefore, as at present expressed, appeared to him to be pregnant with danger, and it was on this account he wished to state generally his views upon the subject, not doubting but that ministers would give such explanations as the importance of the question required.

The Earl of Liverpool was perfectly ready to meet any and every discussion upon the subject. It was a question of the greatest importance, whether considered in a political, a military, or a commercial point of view, and required the gravest consideration. The course of proceeding understood to have been agreed to, was to examine evidence previous to the discussion, in order that they might come to the discussion in possession of the facts connected with the question. It was, however, the right of any noble Lord to make any motion he thought proper upon the subject. He (the Earl of Liverpool) had devoted more time to the subject than he had to any other question, and had come to a complete and satisfactory conclusion—the only conclusion which he thought could be consistent with the interests of the country.

The Lords were ordered to be summoned for Wednesday.

The Marquis Wellesley presented a petition from certain

merchants of London, on behalf of themselves and certain ship-builders in India, praying that provisions might be made to allow their ships the benefit of British registry, the same as with regard to ships built in our other colonies. His Lordship expressed his concurrence in the object of the petition, observing that much important services had been rendered by the shipping of India in the war against Tippoo Sultan, in the expedition to Egypt, in the capture of the islands in the Indian seas, and he could not discover any reason why those ships should not be admitted to British registry. It was a very narrow view of this subject that would exclude them, that would refuse to take advantage of so essential a source of strength. The fact was, that the ship-builders of the port of London, and the different artisans employed by them, had been benefited, according to a statement he had before him, by the repairs necessary for eleven teak ships that had arrived in the river from India, to the amount of 200,000*l.* and which ships had taken out cargoes to the amount of 600,000*l.* The interests of the country, so far from being injured, would be benefited by the employment of India-built ships, which would in time of peace form an admirable nursery for our seamen. It was essential also, with a view to keep pace with the increase of the navies of other powers, that we should avail ourselves of every resource within the limits of the territories of the British Empire. At all events, the ship-builders of India felt themselves entitled to be placed upon the same footing as those of other colonies, in having effectual provisions made for the admission of their vessels to British registry.

The petition was ordered to be referred to the East India committee.

Lord Grenville expressed his concurrence in what had fallen from his noble friend, as to the propriety of having some explanations relative to the propositions, in which he thought there was considerable ambiguity. A question of this vast importance could not be discussed too much or too often. He had no doubt whatever upon the point, that the commerce of India ought to be thrown open to the enterprise of the merchants of this country, but it was essential to take care that the regulations imposed upon it did not defeat the object proposed. It struck him that the regulations in the propositions, as now framed, would defeat the object proposed, and that a delusion would thereby be practised upon the merchants, who would incur a loss, instead of

deriving an advantage, and this he thought an ample, sufficient reason for having the subject discussed without loss of time. As to the petition presented by his noble friend, he was decidedly of opinion that it was a most narrow and mistaken policy that would exclude India-built ships from British registry. Their Lordships and Parliament were not to legislate for the port of London, but for the whole Empire; and there could not be a more fatal error than to sacrifice the interests of a most important part of that Empire to the local advantage of any particular city or county.

PRISONERS OF WAR.

The Marquis of Lansdowne said, he wished to call the attention of ministers to a subject, involving in it the feelings of the Empire, and of numerous individuals. He had been lately requested by some of the inhabitants of a seaport town to present a petition, praying for some relief to be granted to the families of the British prisoners in France, many of whom were in great distress. He suggested that such a petition ought rather to be presented to the House of Commons, but that the relief sought could not probably be granted by Parliament, as it would go to too great an extent. He, however, promised to ask a question in his place of ministers, as to the nature of the late offer, which it was matter of notoriety had been made by the French government on the subject of an exchange of prisoners—a subject deeply interesting to the country, involving as it did every consideration of humanity and of policy. He did not pretend to be acquainted with the nature of the proposition made by the French government, nor did he mean to intimate that in the rejection of any such proposition government had been influenced, as reported, by any consideration of the present circumstances of Europe. What he wished to be informed was, whether any proposition had recently been made by the French government to the government of this country, for an exchange of prisoners—whether, if such proposition was made, it had been rejected as inadmissible—and whether, if so rejected as inadmissible, any proposition on the subject had been offered by the government of this country?

The Earl of Liverpool said, his colleagues and himself felt as deeply as the noble Marquis, or as any other individual possibly could do, on all those considerations of

humanity and policy which were so materially involved in the question relative to an exchange of prisoners. To bring about so desirable an object no exertions had been wanting on their part, the correspondence which took place upon the subject on a former occasion had been laid before Parliament, and he was justified in concluding from the silence of Parliament, that no objection could be made upon that point to the conduct of ministers. The propositions of the French government were wholly inadmissible, and that, and that alone, prevented an exchange from being brought about. With respect to the questions asked by the noble Marquis, he had no hesitation in explicitly stating, that no authorised proposal had been made on the part of the French government, but an intimation had been given of their disposition to enter into a negociation for the exchange of prisoners, and that an answer from this government had been sent back, expressive of our readiness to enter into a negociation upon the basis before proposed; but the offer made by the French government afforded too much reason to believe that they had no other view than to offer the former propositions, which had already been rejected. There was no reference whatever in the recent instance to any particular circumstances of Europe, ministers being ever ready to agree to the exchange under any circumstances: provided it was on a fair and equitable basis, they were willing to make every concession that could be made consistently with the interests of the country: but it should be recollected that a concession made in one instance, became a precedent in future negociations, and therefore the utmost care and caution were requisite not to make any concessions which might become injurious to the country. They must make a stand upon some principle; they had gone as far as they could in concession, until compelled to make their stand, and it was then owing to the French government that no exchange had been effected.

Lord Grenville expressed his regret that ministers had not published to the world the proposition made by the French government, with the answer returned by them to it, in order that it might at once be seen what was the real state of the question, and that the effect of misrepresentation might be prevented. He happened to know that the French government had circulated the grossest misrepresentations in France, which had the effect of exciting the greatest uneasiness and anxiety amongst the British

prisoners, who were naturally wearied with their long confinement, and many of whose hopes and prospects in life were utterly destroyed by their continued imprisonment. He thought it of the greatest importance that a declaration should be published, or publicity given in some authentic shape, to the proposition of the French government, and the answer of the government of this country, in order that the real state of the question might be correctly known, and that it might be no longer subject to misrepresentation.

The Earl of Liverpool stated, that considerable difficulty had been felt with respect to a publication of the nature of that alluded to by the noble Lord—the proposition made by the French government not having been in writing, but merely a verbal intimation, containing, however, in substance, nothing more than the proposition which had been before rejected as inadmissible. To this intimation it was thought best to reply by an intimation of the disposition of this government to enter into a negociation for the exchange upon the basis formerly offered. In addition to the difficulty of publishing these verbal communications, there was also this objection, that when the terms offered by two parties were published, they became in some degree bound by them, and could not so easily render those terms a subject of new negociation, with a view to any alteration that might be thought expedient. No authoritative proposition had been made, and of course no publication had taken place on the subject. They had felt that an untimely publication of the proposition might defeat the object they had in view.

Earl Grey asked, was he to understand the noble Lord to have stated that a proposition had been made by the enemy, similar in principle to that which had formerly been made by him and been rejected, which of course was again rejected; but that our government had, at the same time, expressed their willingness to treat on fair ground; that this proposition on the part of our government had been rejected; and that here the matter ended? If he was right in thus understanding the noble Lord, he must say that his statement was satisfactory.

The Earl of Liverpool repeated, that the terms proposed by the French government were those which had been formerly made by them to this government, and been rejected. While those terms, however, were rejected, the

British government stated their willingness to treat on the former terms submitted on their part.

SHOPLIFTING BILL.

Lord Holland, in moving the order of the day for the second reading of the shoplifting bill, observed that the law by which this offence of a comparatively trifling nature was punishable with death, was far from bearing the same analogy to our other laws now which it did at the time it passed into a law. The question was simply this, as far as this law was concerned, would it not be better to assimilate the law to the practice? It had been stated as an argument against the present bill, that offences falling under the class of stealing from the person had been on the increase since the repeal of the capital punishment annexed to that crime. It was a lamentable fact, that crime had increased; but he warned the House against the idea of adducing the number of convictions which had taken place since the repeal of the act, as a proof of the increase of that crime; it being a fact, that the severity of the punishment, as it formerly existed, was the principal cause of preventing and deterring persons from prosecuting for that offence. One of the great causes of crime was the enormity of punishment in proportion to the offence to be punished; and crime was increasing, because the punishment prescribed by law was so seldom inflicted. So great a practice had it become for juries to commit pious frauds in fixing the value upon property stolen, that in one day the same jury found property sworn to be of the value of 25*s*. worth only 4*s*. 10*d*. and 5*s*. of half-pence also to be of the minor value of 4*s*. 10*d*. In this latter case they were no doubt sanctioned by the feelings of the judge himself, who observing that some of the halfpence were bad, humanely interfered, and recommended to the jury to find the diminished value. The judge to whom he alluded was Sir Vicary Gibbs, than whom, he understood, never a better judge had sat on the bench.

Lord Sidmouth opposed the bill, observing, that no representation, as to the inadequacy of the law, as it now existed, had been made to the throne by any of the judges, or by any magistrates throughout the country. He agreed, that the value of an article stolen afforded a very inadequate idea of the magnitude of the crime, and if they were now to legislate on the subject, that would be an inadequate mode

of judging. There was now however, no practical evil, as it now existed, in the law. He therefore moved, that instead of NOW, the bill be read a second time this day six months.

Earl Grey contended there was great practical evil in the law, as it now existed, in as much as the prosecutors, the witnesses, the juries, and even the judge, had inducements held out to each of them, to commit pious perjuries as to the value of the property stolen.

The Lord Chancellor contended that the number of offences under the bill increased enormously year after year, in the expectation of such a bill as the present passing into a law. Was it an encouragement or discouragement, he asked, in the eyes of any man of common sense, to commit a crime, that instead of being hanged, if he committed it, he could, at the most, only be transported?

Lord Grenville conceived that the only question here was, was the offence in question one to which the punishment of death ought to be annexed, or for which it was fit? He came to the House in order to vote for the present bill, because he did not think the punishment of death fit for such a crime. Every noble Lord in that House must have brought his mind to the affirmative or negative of that proposition, before he could give his vote on the present occasion. If the argument of the noble and learned Lord on the woolsack was good for any thing, it amounted to this, that it would be advisable at once for every offence, however trifling, to enact the law of Draco!

The Lord Chancellor said, he did not say that the punishment of death was fit for every offence.

Lord Grenville did not impute that to the noble and learned Lord himself; he only said that his argument led to this necessary conclusion. Let the noble and learned Lord pick out of the whole catalogue of venial offences, that which he esteemed the most venial; let him wish to prevent it; and if so, would he not, according to the argument he had now maintained, think that he best prevented it by making it capital?

Lord Ellenborough entered into a long panegyric on the law of England, showing its superiority to that of every other code of laws under the sun. The law of England no doubt did, in many instances where it was necessary to keep down crime, admit the *ultimum supplicium*, leaving the

application of it to the prerogative of the crown. On the existence of the law in this respect, as it now stood, depended the security of all the retail trade of the country.

The House divided on the question that the bill be now read a second time,

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Adjourned.

HOUSE OF COMMONS.

FRIDAY, APRIL 2.

Lord Leveson Gower presented a petition for peace from the persons concerned in the potteries of Staffordshire. It was signed by a great number of the master manufacturers as well as of the workmen employed under them. The latter description of persons were not the less respectable, because they were employed in a laborious occupation in life. Their loyalty, their love of order and of the peace of society, had undergone a trial to which those in higher and more affluent situations were not exposed. Unlike the inhabitants of some of the neighbouring counties, they had assembled in a peaceable and constitutional manner to lay their grievances before Parliament. In the object of their petition, namely, the attainment of a secure, lasting, and honourable peace, he must say that he cordially and entirely concurred, and he thought that the late glorious events which had taken place on the continent, would powerfully contribute to bring about this result, if a wise use were made of them, and if a proper and dignified spirit of conciliation were manifested. He did not however concur with them with respect to the best means of attaining that end, for he did not think that the House should take the subject into their consideration, or in any manner interfere with the executive government; every attempt on their part to influence the decisions of ministers must tend to retard, instead of accelerating the desirable object which they had equally in view. If, indeed, the executive government had shown that they were occupied in mad and useless objects of

ambition, if they had clearly manifested a disposition to postpone, instead of hastening the period of peace, then it would be the bounden duty of that House to interfere with its advice, not however in such a manner as to send ministers to a negociation with their hands tied down and fettered, but by addressing the throne to remove those ministers, who were an obstacle to the attainment of peace.

Mr. Whitbread brought up a petition for peace from Leeds. He said that in moving that the petition should lie upon the table, he begged leave to call the attention of the House to the very moderate, proper, and respectful language in which it was couched. He also wished to draw the attention of the House to the good conduct of the petitioners, who were among the greatest sufferers under the calamities of this most dismally protracted war. He wished indeed to direct the attention of those who heard him to the general good conduct of the lower classes of the community under privations and distresses to which, as the noble Lord had truly said, others were entire strangers. He carried his ideas on the propriety of that House interfering in questions of this nature, perhaps as far as any one, but he had never called on Parliament to interfere with its advice, except when he thought that ministers failed in their duty. No doubt, the only legitimate object of protracted war was peace—substantial, honourable peace. But he conceived that the best time for securing this object would not be when the table of the House of Commons was loaded with petitions, forced from the distresses of the people. On the first day of this session he had moved an amendment on the subject of peace with France, Though the events which had since taken place were favourable to this object, he should, however, think it his duty to abstain from fettering ministers with any proposal of the kind, till he found them either unwilling or unable to avail themselves of the opportunities which should offer for this purpose. If, for example, he thought that they had any participation in the proclamation lately published by Louis XVIII.; if he thought that they gave ear to any such chimerical and ruinous projects for the restoration of the Bourbons; or if he saw them disposed to push the advantages which might be gained against France, further than they were warranted by sound policy, he should then urge Parliament to come forward, and either to address the throne to remove ministers, or to petition directly for peace, as had been done at

the close of the American war. He should be exceedingly glad to obtain from the noble Lord a more explicit disavowal of the proclamation of Louis XVIII. than he had been able to obtain on a former night. A gentleman had asserted his knowledge, that facility had been given for conveying this manifesto into France. This charge (for such it was) remained uncontradicted. The continued silence of the noble Lord he should regard as extremely ominous, and he was sure that his disavowal of the measure would be highly satisfactory to the country. He concluded by repeating his entire approbation of what had fallen from the noble Lord who had presented the petition from Staffordshire, that the present circumstances of the continent opened to us more favourable prospects of peace than we had long enjoyed.

Lord Castlereagh wished to state explicitly, as he had done on a former night, that his Majesty's government was no party to the proclamation of Louis XVIII. nor did they conceive that the asylum which had been given to that unfortunate family in this country, could at any time operate as a bar to any arrangements with France on the subject of peace. He did indeed know of the publication alluded to before it appeared, but not as approving of, or being a party to it.

Mr. Stephen rose to state, that he did not understand the noble Lord (Gower) to declare, as represented by Mr. Whitbread, that this was a favourable opportunity for making peace, but that late occurrences had rendered such an event more probable. As to the proclamation of Louis XVIII. he entirely approved of it, and thought that the present situation of affairs on the continent only rendered peace more probable, as it promised the restoration of the legitimate monarch to the throne of France, and threatened the destruction of the abominable military despotism by which that country was at present governed.

Mr. Whitbread said that the learned and honourable gentleman (Mr. Stephen) did not understand him; otherwise he would have had the misfortune *not* to differ from him. He only stated the noble Lord to have said, that the present occasion afforded a prospect of peace, not that this was the time for making it. Mr. Whitbread then presented petitions in favour of peace from Melbourne, Leicester, Loughborough, Derby, and other places. He said he hoped that this would always be the manner in which,

whenever from the pressure of war the people felt increased distress, their complaints would find vent, and he was quite sure, that whatever might be the difference of opinion on the subject, they would always meet with the speediest attention, the most cordial consolation, and the most effectual redress which Parliament could afford them.

The House then resolved itself into a committee, to take into consideration the affairs of the East India company. On the motion of Mr. Stephen, Mr. Graham was again called to the bar, to give a further explanation of some parts of his former evidence, and was examined particularly by Mr. Stephen. The matter on which the examination chiefly turned was the practice of self-devotion to idols at the temples of the Hindoos; and the probability, whether it had in any degree diminished in consequence of the instructions given to the magistrates. Mr. Stephen having proceeded to examine the witness at great length, as to the probability of making conversions by sending missionaries to India,

Mr. Lushington (the chairman), objected to this species of examination, as he apprehended that these inquiries could not be deemed consistent either with the resolutions proposed by the noble Lord (Castlereagh), or with any of the petitions that had been received by the House. He was therefore afraid, that the inquiry pursued by the honourable gentlemam was rather informal and objectionable.

Lord Castlereagh said, that he was hostile to this course of inquiry, as he supposed it would tend to nothing else but a waste of the time of the House. After a few words from Mr. Wilberforce and the chairman, Sir H. Montgomery said, he meant to bring forward some resolution for securing to the natives their own religion.

Mr Peter Moore was against all interference with the religion of the Hindoos. Their prejudices on this subject, he said, were so strong, that such an interference would lead to a general massacre. Talking on the subject when he was in India, to a well informed Brahmin, he told him that any liberties might be taken with their properties, but that they ought to allow a poor Brahmin to worship God in his own way. If gentlemen were determined to persist in this inquiry on religious subjects, it ought to be referred to a secret committee.

Mr. Stephen explained.

Mr. Thomson suggested the propriety of striking out from the minutes of evidence, all the questions and answers relating to this part of the examination.

Sir H. Montgomery wished to put only one question to the witness, relative, namely, to the political effects of the proposed church establishment for India, mentioned in the resolutions. This having been received with some marks of disapprobation,

Mr. Canning said, that either the resolution referred to must be withdrawn by the noble Lord, or that the question must be allowed. Were the resolution allowed to stand, it would be absurd not to allow such questions as had a fair reference to its contents.

After a few words from Mr. Wilberforce, Mr. Canning, and Mr. Stephen,

Lord Castlereagh said, that he was ready to withdraw the resolution in question, to save the time of the House; and because he thought that some better mode for examining that subject might be hit on.

The chairman then obtained leave to report progress, and to sit again on Monday.

FINANCES OF THE COUNTRY.

Mr. Tierney said, his object in the motion which he was about to submit to the House, was to call their attention to the foundation on which the superstructure of the plan of the chancellor of the exchequer was erected—whether the measure of the right honourable gentleman was a true and equitable construction of the acts of the 26th, the 32d, and 42d of the king; and whether, without a breach of faith with the public creditor, he had the means of carrying into effect all the details of the bill now before the House. Seldom, he believed, had any alteration of such importance as that proposed by the right honourable gentleman taken place without a previous examination before a committee. In 1802, it was true, there was no committee, but he should require no better passport to his motion than the inconvenience which had resulted from that act. He should move that a select committee be appointed to examine into the acts of the 26th, 32d, and 42d of his Majesty, and to report whether, due regard being had to the rights of the holders of the public securities, any part of the sums vested by these acts in the commissioners for the reduction of the national debt could be placed

at the disposal of Parliament. Upon the true construction of these acts must undoubtedly depend the right of the chancellor of the exchequer to erect his superstructure. He should propose also that the committee be composed of the present attorney and solicitor general, two honourable friends of his who had been formerly attorney and solicitor general, the governor and deputy governor of the bank, and about twelve or thirteen independent gentlemen, who might be taken from either side of the House. He wanted to see whether 21 gentlemen could be found to report that this was the true construction of these acts of Parliament. He knew how easy it was to make dextrous speeches on the subject; but he did not believe that 21 gentlemen could be found who would report that what was proposed to be done could take place without a violation of public faith. He thought it would be difficult for the chancellor of the exchequer to resist this motion, unless he said he would make his alterntion without any authentic document to warrant it. The documents on the subject lay in a small compass. The act of 1786, so much to the credit of Mr. Pitt, vested one million in the hands of certain gentlemen till it should accumulate to the amount of three millions. The object of Mr. Pitt was to let that fund go on at compound interest till the principal and interest together should have produced a sinking fund equal to four millions; that then the compound interest should cease, and the sums then be placed at the disposal of Parliament. So stood things till 1792, when Mr. Pitt proposed a further measure to give relief to the public credit. The addition was this, that any savings from the reduced rate of interest should be placed in the hands of the commissioners, that all future loans should carry with them such an additional sum as would pay them off in the course of 45 years, and that one per cent. of each loan should be vested as a sinking fund in the hands of the commissioners. They went on till 1802, when a great deal of financial difficulty was experienced by Lord Sidmouth, who had 870,800*l.* of new taxes to raise. He had to provide for a loan of 30 millions, and for 56 millions, for which the income tax was mortgaged, but which, as the income tax could not exist after the peace, fell then to be provided for by him. The arrangement made was, that for this 56 millions no one per cent. should be issued. This was called a consolidation act; and it consisted of certain arrangements for the conso-

lidation of the old and new debt, and the sinking fund. The question now was, whether, in terms of that act of 1802, the right honourable gentleman could follow the course he had announced. By the plan of the right honourable gentleman, within four years from its commencement, the sinking fund would be less by seven millions than it would be under the operation of the law as it now stood. (*hear!*) A subject of discussion among them formerly was now set at rest by the act; for it was then distinctly stated, that none of the operations of the right honourable gentleman should take place unless such a sinking fund was to remain as would reduce the debt in 45 years. He would ask whether there was any thing in the law, as it now stood, which subjected the sinking fund to lose this seven millions in four years, and that, provided the debt should be paid off in 45 years, there was no ground of complaint. He contended that the right honourable gentleman had no right, in point of good faith, not using the words in an invidious sense, but as the shortest he could employ, to take this sum from the sinking fund. By the act of 1802, the sums placed in the hands of the commissioners are directed to be appropriated and accumulated in the manner directed by the acts for the redemption of the national debt, and to be applied either in the payment or redemption of annuities, until the whole sums charged on the public revenue of Great Britain shall be completely redeemed and purchased. The act was imperative, until all the debt then existing should be entirely redeemed. It was impossible for any words to have a more definite meaning. Then came the expression on which the gentlemen on the other side relied: "So as that the whole of the redeemable annuities shall be paid off within 45 years after the creation of the charges." Generally speaking, that which came first was as important as that which came last. That the sums should be appropriated and accumulated, were the words of the act. To make out the meaning of the act, he had looked into all the debates of the period. He knew that the printed debates were not absolutely to be relied on; but it was easy for any gentleman who knew any thing of the subject, to trace the hand of a master, and to discover when a man had taken the trouble to give himself his sentiments to posterity. He could remember perfectly well, that among other advantages of his measure, Lord Sidmouth stated that of the reducing the

5 and 4 per cents. to a lower rate of interest. But putting all recollections out of the case, he had looked into the resolutions on which the bill was brought in. There it is declared, that if the two sinking funds should be continually appropriated at compound interest to the redemption of the public debt, that object would be accomplished in 45 years. That was the first resolution, and it distinctly stated, that if the funds were allowed to go on accumulating at compound interest, the debt would be redeemed within 45 years. The last resolution stated the expediency of providing that the sums to be consolidated should be continually applied at compound interest; and in this resolution there is no word of 45 years. The first resolution stated that the effect of the measure would be the redemption of the debt in 45 years; but the last, on which leave was given to bring in the bill, said not a word about this; but expressly said, that the two sinking funds should accumulate at compound interest till the whole of the debt should be redeemed. Would the right honourable gentleman say, with gravity of countenance, that it was the same thing to the public creditor, if his debt was paid off in 45 years, or if the sinking fund should accumulate at compound interest? In the different reports which had been laid before the House on the effects of the sinking fund, one stated that the debt would be redeemed within 33 years, another not till 55 years; but all were bottomed on the fact that the fund was to accumulate at compound interest. This was the *sine qua non*. He had never heard this doubted before. He knew that in the discussions in 1802, some objections were stated by the right honourable gentleman to the measure, from the great inconveniences which would be felt when the sinking fund was too large. But if this could be cured by diffusing it over 45 years, where was the foundation for the argument which the right honourable gentleman then used? What did the calculation say which accompanied the plan? That under the act the debt would not only be redeemed within 45 years, but if stocks were at 3½, the surplus, which would be all between that and 5, would be applied at compound interest. All that he asked was, that before proceeding on this bill they should know what they were doing. It might be a very excellent device that no new taxes should be raised this year; but it was not so well if other persons were made to pay for this. The right honourable gentle-

man, because he found the words 45 years in the act of Parliament, concluded he had a right to take seven millions from the sinking fund. He did not believe that it was ever attempted before, by mere eloquence, to convince 650 gentlemen to take such a step without the sanction of a previous committee. The stocks were lower now than they were in 1802; and the unhappy stockholders were to be cut off from this benefit at a moment when they were losers. He had done enough for his own purpose, if he could show that any reasonable doubt could be entertained on the construction of the clause. What objection could there be to the appointment of a committee, if he left to the ministry the nomination of the majority? If the opinion of the right honourable gentleman should turn out to be well-founded, there could be no longer any dispute whether or not there was a breach of public faith. It would go down to posterity that the House selected some of the most respectable of their body, to see whether they could, without a breach of public faith, take this money from the sinking fund. But if they were at once to lay their hands on the seven millions, all that would appear would be the act of the legislature, by which three most material acts of Parliament were altered, and public credit shaken, for no other reason but because it suited the chancellor of the exchequer. If the motion should be agreed to, there would be no longer any reason to talk of a breach of public faith; a committee up stairs would set the matter at rest. It was not unusual at present for gentlemen out of doors to say they did not understand finance; all they knew was, that it was very convenient not to be troubled for four years by the tax-gatherer. This was the strongest measure to which public credit was ever subjected. The right honourable gentleman had wrapped it up in such a variety of figures, that it was not easy to understand it. Did he doubt that the more discussion should take place on it, the more it would be understood? If he wished it to be understood, for his own character's sake, they ought to put on their journals that they were not acting in haste. He knew that two years would not elapse before they would be called to account for this measure. The right honourable gentleman had gone on with very great dexterity: he had stated that no diminution of the sinking fund would take place for one year. According to his (Mr. Tierney's) opinion, if more was taken out of a thing than was put in, the thing would be

less. The right honourable gentleman, however, had contrived, by putting one quarter in advance, and by putting another sum behind, by a number of tricks which he would not call hocus-pocus, to make it appear that for the first year no diminution of the sinking fund would take place. Let the right honourable gentleman try for a loan next year under the pressure of this plan, and then say that it had not produced its effect. All he wanted of the House was to implore them that they would not even do what was right without inquiry. He concluded by moving the appointment of a committee.

The Chancellor of the Exchequer said, it was not usual to appoint a committee when no doubt could exist as to the construction of an act. In 1802, a large portion of debt was transferred from one security to another, and the whole was thrown on a future and distant provision. The present question might be by reference to the words of the different acts of Parliament, or to the contracts between the treasury and the public creditor. In the contracts on loans, a question was sometimes asked if the 1 per cent. was to be annexed; but there was nothing in the contracts, or in the loan acts, or in the act of 1802, which could lead the public creditor to an expectation of the sinking fund of 1 per cent. of the act of 1792. It was remarkable that in no act previous to 1802 was there any mention of accumulation or compound interest. In 1802, it was undoubtedly mentioned. In none of the cases was there a committee appointed to inquire into the meaning of any act. In 1802, he believed no committee was proposed. [Mr. Tierney said, across the table, he had proposed one.] Then the right honourable gentleman now followed his own precedent, and he hoped the House would also follow theirs. No injury was done to the public creditor, if they substituted a redemption within a less term, which was the case at present. Although the plan of 1807 had been much criticised, he did not remember that it had ever been criticised as a breach of public faith; and by that plan a different construction of the act of 1802 was adopted from that of the right honourable gentleman. The right honourable gentleman had limited his argument to this point —that the act of 1802 having once been passed, the public faith was pledged to that part of the act which stated that the sinking fund should accumulate at compound interest till the whole of the debt was redeemed; and that the words

45 years were mere circumstances. It was curious to observe how differently gentlemen argued when talking of public faith, and when putting their principles in practice. He now heard the right honourable gentleman contend that the act of 1802 could be carried into execution. He had thrown out a plan which he considered was not a breach of the public faith, and he would abandon it if it was so; but he would not go into a committee merely to see if doubts could be thrown out on points which had been repeatedly decided by Parliament. The right honourable gentleman contended that the act of 1802 had been generally construed as he had stated it. He understood it indeed to have been so construed by an honourable gentleman who spoke early on this question (alluding, as we conceived, to Mr. Huskisson). It was so construed in 1807, when the plan of the administration of Lord Grenville was brought forward. But the opposite construction of the right honourable mover was not the only misconception into which he appeared to have fallen upon this occasion respecting the act of 1802. For the right honourable gentleman was under a mistake in stating that that act was passed with a view to prevent a taxation of 900,000*l.* that sum having been actually imposed. As far indeed as the right honourable gentleman's arguments applied to the act of 1802, he thought him quite in error. Then, as to the liquidation of the public debt, he maintained that in a few years that liquidation would go on more satisfactorily than under the existing system, and that the public creditor would derive more benefit from it. The right honourable gentleman repeated that his plan involved no departure from the principles of the act of 1802; and in support of this assertion, he quoted the opinions of Mr. Pitt, and of Lords Grenville and Lansdowne; nor did his plan violate any of the provisions of the sinking fund, as the public debt would under its operation be redeemed in 45 years from the creation of each debt, as was originally proposed, and the 1 per cent. applicable to the increase of the fund would remain untouched. The objects of the act of 1802 would thus be completely satisfied. The right honourable gentleman, after re-asserting that the public debt would be redeemed sooner than under the existing system, concluded with congratulating the House, that under this plan we would be provided for four years of war.

Sir J. Newport argued that, according to the principles

of justice, the fruit of the accumulation of the sinking fund, by compound interest, was applicable to the benefit of the public creditor, for whose security the fund was created, and not to the purposes of the chancellor of the exchequer, or any other minister who might be disposed to touch that sacred property. Indeed the proposition of the right honourable gentleman was quite monstrous. But what was to be thought of his plan to pay the public creditor, but a comparatively small sum truly for a few years, while the remainder of the debt, by increased payments, was to be discharged within 45 years. If a creditor who had covenanted to pay 20,000*l.* at the rate of 1000*l.* a year, should afterwards only pay 500*l.* a year for the first ten years, and 2000*l.* a year for the remaining ten, he would discharge his debt to be sure, but he would not execute his covenant; he would not keep his faith, and the public faith ought to be literally and most faithfully kept. That faith, however, the right honourable gentleman proposed to violate; he did not mean intentionally, but such unquestionably was the general interpretation of his plan among those out of doors, at least among several respectable individuals connected with the public securities, whose opinion he (Sir J. Newport) had an opportunity of collecting. Such an interpretation then prevailing, not only out of doors, but in the minds of many members of that House, he would appeal to the consideration of those who thought with the right honourable gentleman whether an investigation before the proposed committee was not desirable, in order to ascertain whether the interpretation he had stated was correct; whether the doubts and apprehensions which had gone abroad upon the subject were well founded. The existence of such doubts was alone a sufficient reason for the appointment of the committee, whose report would no doubt be satisfactory to all parties.

Mr. Rose observed, that the gentlemen on the other side appeared to think that the system of the sinking fund had never been meddled with by Parliament—that it was quite inviolable; whereas, in fact, liberties were taken with that system in the years 1798, 9, and 1800, no one per cent. having been set apart, or sinking fund created upon the loans of the several years. Yet upon these occasions no breach of public faith was alleged or insinuated, nor was any outcry raised of a departure from the principle of the sinking fund. The system of the sinking fund was also broken in upon in

the years 1802 and 7. Yet no such objections were urged in either case as were now put forward. But as to the general merits of the plan of his right honourable friend, the only question, in his judgment, was, whether a certain sum should be taken for the public service from the fund for redeeming the public debt now or seven years hence—or at what time it would be proper to make this deduction, so as to guard against the advance of that fund to an inconvenient size. The only question then was as to time, and that such was the view of Lords Grenville and H. Petty, was evident from the plan which they submitted to the consideration of Parliament; and he concurred with his right honourable friend as to the time he selected for making the proposed deduction from this fund, while he approved of the general merits of his plan, because, while it would operate to discharge the public debt sooner, and in a more gradual manner than the existing system, the country would have to pay less taxes.

Mr. Bankes, while he agreed that there was nothing in the existing law to prevent the proposed arrangement, strongly disapproved of that arrangement, which he regarded as a direct infraction of the public faith. He thought it therefore highly impolitic, and in no degree to be excused by any public necessity. For although an advocate for economy, both on a small and a large scale, because he thought that economy indispensable to the maintenance of our financial system, yet he deemed our means amply sufficient to provide for our current expenses, without invading a fund set apart for the security of the public creditor—without violating that which ought to be held sacred. From such a course of proceeding, he apprehended the most serious evil. Indeed he had no doubt, that if the plan of his right honourable friend (the chancellor of the exchequer) were adopted, the consequences would be most sensibly felt by the country in the loans to be contracted for, particularly if the war should continue for many years. That such a plan must injure public credit, appeared to him quite obvious. Yet he was assured by some gentlemen in that House connected with the public funds, that this plan would not produce the consequences he apprehended; —he should be glad to find their assurances justified by the event, as he had no doubt that the plan would be adopted. With respect to the act of 1802, it had been stated that at

that period it was not supposed the funds would have been reduced so low as they were at present, but he really should not be surprised, if the war continued three or four years longer, to see the three per cents. as low as 50. He was among those who opposed the act of 1802, and one of the evils which he expressly apprehended from its adoption, had now occurred in the proposition of another measure infringing the public faith; and after the passing of this measure, what, he would ask, was to prevent any ministes from coming forward again in four or five years to strip the sinking fund, asserting that it would be sufficient to provide for the reduction of any debt within 45 years from the period of its creation, which he (Mr. Bankes) contended was not a correct construction of the act to which it applied? Here the honourable gentleman, after ridiculing the idea of any alarm as to the fund for redeeming the public debt growing to an inconvenient size, or as to the too sudden extinction of that debt, particularly at a period when it was so materially increased, proceeded to analyse the tables of calculation upon which the chancellor of the exchequer's plan was founded, which tables he asserted to contain much fallacy. From one of these tables he collected that the discharge of the public debt was to be accelerated by appropriating the one per cent. usually set apart from each loan, not to the liquidation of such loan, as heretofore, but to create a sinking fund for the discharge of the prior debt. Then his right honourable friend's object would be best promoted by raising large loans.—The hon. gentleman concluded by strongly recommending the adoption of the motion.

Mr. J. P. Grant urged, that it was material, in comparing the acts of Parliament, not to consider the contract implied in the mere words, but what would be sufficient to justify them in the practice. He urged that, by withdrawing the purchases usually made, the value of the stock was lessened, and the contract with the public creditor infringed on. In 1802, the alteration made in the sinking fund principle promised a future advantage, and this was the argument of the chancellor of the exchequer of this time in favour of his measure. This was not the case with the present plan. He should take an opportunity of stating his opinions more fully, as he doubted of the efficacy of the sinking fund, which, however, was no reason for departing from public faith.

Mr. C. Long opposed the motion of Mr. Tierney. The meaning of the acts, he contended, were to be learned from their own words and the speeches of their proposers. This was the case in 1786 and 1792. Lord Henry Petty's plan broke in on the sinking fund more seriously than in the present measure, and yet this objection was not urged against it. He wished he could entrap his right honourable friend (Mr. Tierney) into any plan. His right honourable friend (Mr. Tierney) had said he had a plan. ("*No*," from Mr. Tierney.) Then no one had a plan. This plan was good, judged of by the only practical test, viz. comparison with any other that could be proposed.

Mr. Huskisson said, that if any doubts remained, whether the measure of the right honourable gentleman (Mr. Vansittart) were consistent with public faith, this would be sufficient reason for going into a committee. He contended that no violation of this plan had occurred since its commencement. The committee was the best way to get an opinion on the subject, and his right honourable friend (Mr. Vansittart) could by these means give his case for consideration to the attorney and solicitor general, and if they were satisfied with the consistency of the measure with the spirit of the acts of Parliament, the doubts on the subject would be relieved; but he should vote for the committee, because he had never met with any one out of doors who did not doubt of the good faith of the measure proposed.

The Attorney-General said, that considering the acts of Parliament as to their spirit, letter, or construction, in each of the acts on the subject there would no doubt be a legal case, that the contracts with the loan-jobbers were satisfied on delivery of the loans; that all they had besides was the expectation of the continuance of the acts of Parliament concerning the sinking fund. As to these latter acts, the spirit and words in each of these referred to the period of 45 years, as the term for the extinction of the debt.

Mr. Canning supported the motion. The question of finance was one in which authority had the greatest weight, and here the great authorities were equally divided. This was sufficient to create doubt, which would be best solved by a committee. Forty-five had, he conceived, been appointed as the period beyond which the debt at any time existing should not exist, not the period during which it

must exist. He was far from saying, however, that whereas before this debate, the great inconvenience against which we were labouring was supposed to be, lest the debt might overwhelm us, now it might be found that the real inconvenience was far different, and that we should arise some morning without a debt to our backs. (*laughing*). Against this danger the plan of the right honourable gentleman guarded them—it might also guard them against the opposite inconvenience. This would be ascertained most properly by a committee, and their report, whichever way it went, must be a relief (he should conceive) to the right honourable gentleman. If they were to trench on the sinking fund, this must have some limits, and this would also be most properly ascertained by a committee. What too, he would ask, could be the possible disadvantages of the committee?

Lord Castlereagh said, that if the right honourable gentleman (Mr. Canning) could not form an opinion on the subject, of whom could the committee be composed to guide the weak mind of the right honourable gentleman? (*a laugh.*) He contended that it would be beneath the dignity of the House to go into a committee on the subject; that it would convey a tacit insinuation against his right honourable friend's bill, to adopt such a measure, and that there could be no precedent found of a committee for the purpose of giving an opinion.

Mr. Tierney replied. The object of his committee was, that it should be examined, whether, consistently with public faith, the measure of his right honourable friend could be adopted. To this purpose the solicitor and attorney general, and the governors of the bank, would be members. But it might be said that the attorney-general had given his opinion. But he would appeal from Philip drunk to Philip sober, to a lawyer ignorant of the acts to one with them before him. The attorney-general could not have read the acts, there was nothing in the act of 1786 about 45 years. He must have dreamed. In his committee the bank directors would consult with the lawyers, and thus a judgment as to public faith might be formed. The noble Lord opposite, who apprehended degradation from taking advice, thought it no doubt very dignified to take the stockholders' money without considering about the matter. (*a laugh.*) The right honourable gentleman would

have reason hereafter to thank him (Mr. Tierney), if the committee were agreed to.

The House divided:

For Mr. Tierney's motion - -	59
Against it - - - - -	153.
Majority against it - - -	94

The House afterwards went through a committee of ways and means, after which the exchequer bills funding, the debenture, the tobacco duty, and the customs bills were brought in, read a first time, and ordered to be read a second time on Monday.

Sir H. Montgomery gave notice, that on Friday next he should move a resolution, in order to secure to the inhabitants of India the exercise of their religious rights.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, APRIL 5, 1813.

EAST INDIA AFFAIRS.

Lord Grenville adverted to the permanent settlement of Bengal, and the report of a committee of the House of Commons, calling in question the principle of that settlement, to which he had before called their Lordships' attention, and observed upon the necessity of having the fullest information upon this important subject. He thought it essential that Parliament should recognize the principle upon which that permanent settlement was founded, in order that, although the application of it to the conquered provinces might require consideration as to the mode of it, according to the various circumstances that existed, still that the principle should be distinctly recognized, as intended to be applied, in due time, to those provinces. He was the more solicitous upon this point, as the report of the committee alluded to seemed to dispute the justice of the principle, and to incline to the odious system of raising the revenue in each year, according to the supposed ability of the landholder. His Lordship concluded by moving for copies of the interrogatories put by the governor-general of Bengal in 1801, to the judges of Circuit and Zillar judges,

relative to the new administration of revenue and the judicial system, with their full answers thereunto.—Ordered.

CURATES' BILL.

On the motion of the Earl of Harrowby, the House resolved itself into a committee on the stipendary curates' bill.

A conversation of great length took place upon the bill, in which the Bishop of Worcester, the Archbishops of Canterbury and York, the Bishop of Carlisle, Lords Redesdale, Ellenborough, Grenville, the Bishop of Oxford, the Lord Chancellor, the Earl of Harrowby, and the Bishop of Exeter, took a part.

Lord Redesdale adverted to an expression which had been used in the course of the discussion, of "single duty," and observed, that by law the clergyman in care of a benefice was bound to perform service twice on the Sunday.

Lord Grenville also adverted to the same point, and wished to know how it had arisen that the duty had become in many places less frequent.

The Archbishop of Canterbury admitted that such was the law, but observed, that a contrary practice had prevailed in many benefices for 200 years, and which arose from the poverty of the church, in consequence of many benefices not affording a sufficient maintenance for the incumbents.

Lord Grenville proposed an amendment to give more discretionary power to the bishops in fixing the salaries of curates, with a view to special and peculiar circumstances, which was agreed to.

A desultory conversation arose upon a proposition by the Archbishop of Canterbury, that the deduction to be made from the salary of the curate who served two incumbents, should be equally in favour of both, instead, as the bill proposed, in favour of the last, who employed; and, as we understood, the amendment was adopted. Several other comparatively immaterial amendments were acceded to, and upon a proposition by Lord Redesdale, relating to an act of Charles II. the lord chancellor required more explanation before he could assent to it. Indeed he wished for an opportunity of more fully considering the whole bill, which had been so much amended and altered, that he had not yet had time to read and examine it. He, therefore, requested his noble and learned friend to withdraw his proposition for the pre-

sent, and he might bring it forward with full explanation on the third reading.

Lord Redesdale withdrew his proposition, promising to bring it forward on the report, which was fixed for to-morrow, when the bill is to be reported *pro forma*, to be afterwards printed, and a day fixed for the third reading, when it was understood that a further discussion will take place as to the merits of the bill and the several amendments.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 5.

EAST INDIA AFFAIRS.

The House, on the motion of Lord Castlereagh, went into a committee on the affairs of the East India company, when Colonel Sir John Malcolm was called in and examined.

Sir J. Malcolm, in the course of his examination, gave it as his opinion, that the effects of an unrestrained intercourse with the natives would be detrimental to the British interests and character in India. The natives of Bengal below Patna, especially near the coast, were weak and timid, false and deceitful; but in the higher provinces, Benares, Oude, Bahar, and the Douab, the natives were in stature larger than Europeans; and in the high qualities of the mind, truth and courage, were inferior to none. Some classes of the natives of the coasts of Coromandel were, though inferior to the natives of the higher provinces, respectable; and the Mahrattas, who composed the population of the newly acquired provinces on the opposite coast, Guzerat and the neighborhood of Bombay, were superior to the inhabitants of the lower part of Bengal. Those inhabitants of India who were possessed of surperfluous wealth, with the exception of the Parsees, who inhabited the rich settlement of Bombay, were but little inclined to purchase European commodities. The Nabob of Lucknow, who had been disposed from vanity to make a collection of them, probably possessed as much of them as all the other inhabitants of his dominions. The consumption of all European articles,

with the exception of woollens, was very trifling among the Hindoos. Their own country produced almost every thing which was wanted by the natives. In answer to a question put by Mr. Whitshed Keene, he said the Mahomedans in India were not only less strict in the observance of their religious rights than the Mahomedans of other countries, but had gradually adopted some of the rites of the Hindoos. It was not unusual also for Hindoo princes, such as Scindiah, to adopt some of the Mahomedan ceremonies.

Sir S. Romilly rose and observed, that he understood an agreement had been come to, that the examination of the evidence should not be protracted beyond half-past seven, and it was now past eight. He had several bills, the second reading of which stood for this night, and it was important that the debate on them should take place previous to their being committed, rather than after.

After some observations from Lord Castlereagh and Mr. Yorke, the chairman obtained leave to report progress, and the House resumed.

Sir S. Romilly moved the order of the day for the House resolving itself into a committee upon the attainder of treason bill.

After some discussion,

Mr. Alderman Atkins proposed that the report should be received to-morrow. Upon this motion,

Sir S. Romilly said, that he did not approve of the present mode of delay, but was anxious for frequent discussion on the subject. The punishments inflicted by corruption of blood, and by forfeiture, were quite different; as one of them was founded in the old common law of England, and the other in the feudal law. If corruption of blood was to be considered as a punishment, it was only the innocent that were punished, and not the guilty. He was not desirious at present to go into the discussion of the subject of forfeiture. In consequence of the law respecting corruption of blood, it was not allowed to transmit an estate to an uncle, a cousin, or a relation. After having then stated one or two cases on the subject of the corruption of blood, Sir S. Romilly asked, whether such a law was likely to prevent the commission of crime, which ought to be the object of a good law? The law about corruption of blood, even as it now existed, did not extend to the county of Kent. Why was this exception allowed? No practical inconvenience could result from altering the law, whilst

many might arise from an obstinate adherence to what had nothing to recommend it but its antiquity.

Mr. Yorke was against debating the principle of the bill. On the question of receiving the report to-morrow, as the honourable and learned gentleman had made observations on this point, he was disposed to move as an amendment, either that the bill be rejected, or that it be received on this day six months. As the honourable and learned gentleman had stated no particular grievance, which he meant to remedy, he must consider the bill as unnecessary. He was against legislating on abstract principles when it was proposed to make any innovation on the common law of the land. He, for his part, was jealous of this new light, which led so much to innovation, though many others were so highly disposed to bestow their applause upon it. He never would consent to give up that hold on the mind of man which the punishment of treason, as it now existed, was calculated to impose. If the crime of treason had been rendered difficult of detection, were the House at this time of day to withdraw the terrors with which their forefathers had wisely surrounded it? He did not like the attempts which were now made, year after year, to alter the established law of the country.

Mr. C. W. Wynne was against the measure now proposed. The danger belonging to the crime of treason consisted in this, that it was not regarded, in the public eye, with that degree of odium which ought to belong to it, and which attended almost every other crime. In treason, it was only to the unsuccessful party that the imputation of crime attached. Property was the creature of the law, and therefore he saw no occasion for the alteration proposed by the present bill.

Mr. Lockhart was unwilling to do any thing which should diminish the abhorrence in which the crime of high treason was held. He was, therefore, inimical to the present bill.

Mr. Wetherall thought it absurd to equalize the law of treason in all the counties in England, for no other reason that he could see, but for the ease and convenience of conveyancers. He concluded by observing, that his honourable friend's bills seemed to be part of a system, and that we might thus be led on, step by step, and from year to year, till we got rid of the whole of our criminal code as it now stands.

The Attorney-General said, he would very shortly state his objections to the bill: 1st, As connected with the prevention of the crime; and 2nd, As affecting the mode of trial in cases of high treason. In the first place, he considered the corruption of blood as one of the safeguards of the constitution against the commission of this crime. He should on this account alone be unwilling to part with it. But a further difficulty struck him with respect to the mode of trial for this offence. The prisoner had various privileges allowed him on an indictment for high treason, such as a copy of the indictment, a list of the pannel, &c. all which were allowed only to those cases of treason which worked a corruption of blood. By taking away this consequence of the crime, we should either alter the whole law relating to high treason, or deprive the accused of what had hitherto been considered as one of the most invaluable privileges of the subject, and a necessary barrier against the oppression of the crown.

Colonel Frankland said, that one objection to the bill, which had struck him very forcibly, was that which had just been stated by the learned and honourable member (the attorney-general). But perhaps, if the bill passed, it would be easy to get rid of the objection by altering the act of King William on this subject; and if so, the labours of his learned and honourable friend would not be at an end. The whole of this question was, in his mind, set at rest by the act of 1799. That act did what Lord Somers did not dare to do in 1708, nor Lord Hardwicke in 1746; it extended the corruption of blood in cases of high treason, into perpetuity, which those great men in former times had restricted to the life of the Pretender, or any of his descendants, from reasons of state, which existed at the time only. Those acts of theirs were not the fruit of contemplative and speculative wisdom, but of immediate policy, of a compromising and temporising spirit. They wished to secure the union—they were therefore obliged to compromise with the Scotch. What took place in 1799 put the question at rest. It was found that a disputed succession at one time, and a disputatious philosophy at another, might breed rebellion and treason, and it was therefore thought necessary to provide against both at all times. The same arguments were, however, brought in array again, which had been before rebuted. Among these was the hardship done to the innocent offspring. But to this it had been well answered,

that property was the creature of society, and that the right of property could not therefore be insisted on for the destruction of society. Now there were persons tempted to the commission of this crime of high treason, whose minds were so distorted and disturbed, that they cared nothing about themselves, every thing went wrong with them, the whole world went wrong, all is a wide-spreading scene of confusion and desolation, they are ready to plunge blindfold and headlong into it, but a sudden thought shoots across their minds—their children—their posterity—their property—what will become of them? Is it not a providential circumstance, that in a case of this magnitude and importance to society, where you have no other check upon the passions, where the mind is so slippery that you have no other hold of it, you have this sure one in the prospective and unalterable attachment to kindred and posterity? This was equally manifest in the case of bankruptcy and suicide. It was an universal trait of human nature. It was a conclusion demonstrable from all law and all history. The same thing had been said by Cicero—*amicitiores rei publicæ*. But difficulties present themselves—conveyancing difficulties! not that these are very important, even to those who have to solve them. But what are these difficulties, arising from a flaw in the title of an estate, in competition with the maintenance of the first principles of all property, of all law, and all society? The authority of Sir William Blackstone had been referred to as against the corruption of blood. But it was not fair to look at a few sentences brought in as ornamental flourishes at the end of a lecture, to enliven the students of a college. His opinion was to be collected from the whole bearing and tenour of his work, which was decidedly in favour of the prevailing system. In the whole course of this debate, not one word had been said about honours—were they to be transmitted along with the estate? Was the corruption of blood to become a phrase? Were we to teach the youth of this country that there is no such thing as a pure, untainted, uncorrupted blood, and another which is corrupted and tainted? He should do all in his power to prevent the introduction of such false and degrading maxims, and should therefore oppose the present motion.

Sir W. Garrow said, that he merely rose to avoid the reproach which he had incurred for not speaking in a former debate. He thought that laws could only operate by ap-

pealing to the feelings and affections of men. He complained that what he had said on the first night of his learned and honourable friend's bringing forward his motion had been grossly misrepresented. It had been stated that he had said, that many persons had destroyed themselves to make a provision for their families; whereas he had really said that many persons had been prevented from destroying themselves by the consideration that their death would deprive their families of a subsistence.

Sir S. Romilly replied to the various arguments urged against the bill. He said that his motion went to a general principle, or to take away corruption of blood in all cases whatever, of felony as well as treason; and it was only with respect to the latter that it was objected to. He thought, therefore, it should not be entirely thrown out. Both his honourable friend near him, and the right honourable gentleman opposite (Mr. Yorke), had signified their approbation of the principle as it applied to all cases but treason, and he therefore was at a loss to know how the right hon. gentleman would reconcile his motion (to have the bill read that day six months, by which it would be entirely lost) with his speech, which approved of it in part. He had been accused of having a system, and to this charge he must plead guilty, if by having a system it was meant that in enacting or repealing one law, you considered the effect it would have upon other laws. His learned friend opposite (Mr. Wetherall) had completely exculpated himself from this charge of system, when he declared that he was for having one law in Kent, and another in Middlesex; one law in Scotland, and another in England. In another place, which he should not mention, it had been objected to him that he had not proceeded more systematically, that he had not laid down a general principle of legislation, and developed a regular plan of alterations in our criminal law. So impossible was it to provide against all the objections which would be made to any one who indiscreetly offered himself in the character of a legislator! The hints which had been thrown out about modern lights and modern philosophy affected him but little, when he reflected that his opinions were confirmed by the authority of some of our most eminent writers. One of these was Mr. Justice Blackstone. The corruption of blood, he had declared, was an injustice which ought to have been abolished with the military tenures. The late Mr. Yorke had been quoted against him on the subject of forfeitures, but un-

fairly. He had letters in his possession which had passed between this venerable character and Sir W. Blackstone, on these very expressions in his Commentaries, which he did not consider as the ornaments of a college lecture. He (Sir S. Romilly) had never referred to any passage in that immortal work, but it had been said, that that passage was of no authority whatever, that it was a mere idle flourish, though the work itself was of great authority. On the other hand, it had been said by a very high magistrate, that it was the work of a speculative man in his closet. It should be remembered, however, that that speculative man had been advanced to be a judge, that he sat many years in a court of justice, and that he, a little before his death, corrected the ninth edition of his work, as he had carefully done all the preceding ones. He sent the proof-sheet relating to the corruption of blood to Mr. Yorke, who returned for answer, "It is one thing to explain the law, and another to wish to see it altered; the first is what I have done, I have never gone farther in what I have written on forfeiture." It was evident that his opinion could not be cited against Sir W. Blackstone, even if forfeiture and corruption of blood were the same thing; but Sir W. Blackstone had himself as strenuously defended forfeiture as he had opposed the corruption of blood. My honourable friend (Mr. Frankland) has discovered, that the whole question was settled in 1799: if so, it was settled without a single word being said of the matter;—the act related only to forfeiture. He did not expect the charge of innovation to be echoed from the honourable member who sat on the opposite side of the House, who had himself brought in one of the greatest innovations in our law—the armed district bill. Neither did he expect the distinction to be taken which a learned gentleman had made use of, with respect to real and personal property. If a man held an estate only for a thousand years, it would descend in spite of the existing law. Another inconsistency in that law is, that it only applies if the person dies intestate, otherwise he can leave his whole property to his descendants by will. It had been objected to him, that we ought not on his principles to punish the guilty at all, because their fate affects their relatives and friends; but it does this only indirectly and inevitably, from their sympathy with others; whereas the corruption of blood punishes the innocent directly and voluntarily, and the guilty only from sympathy and virtuous attachment to those connected with them by the ties of blood.

Why not, indeed, carry the reasoning a little farther, and inflict actual punishment upon the relations? This had been formerly done. In Arnott's Cases, there was an account of a woman in Scotland, who had been put to the torture to make her confess. She had firmness enough to resist: but she had a son of 15, and a daughter of seven years old, they were put to the torture also, and this was more than she could bear. The learned mover then added other arguments in support of the bill, and hoped that the right honourable gentleman (Mr. Yorke) would not persist in his amendment, particularly as he had been taken rather by surprise in having the debate come on to-night.

Mr. Bathurst explained.

The House then divided.

For the bill - - -	43
For the amendment - -	55
Majority against the bill -	12

The sinecure bill was read a third time and passed.

Adjourned.

HOUSE OF LORDS.

TUESDAY, APRIL 6.

ARTIFICERS' WAGES.

Lord Sidmouth moved the second reading of the artificers' wages bill. Their Lordships would recollect, he said, that petitions had been some time ago presented to the House of Commons for regulating the rate of wages; that a committee had been appointed, and that their report was, that it was highly impolitic to legislate on the subject. It was not known at that time, however, that there were acts in existence for regulating the rates of wages; but in the course of last year it had been discovered that there were acts both in England and Scotland, rendering it imperative in magistrates to fix the rate of wages. In the English act of the fifth of Elizabeth, relating to this subject, it was among other things provided, that no artificer, handicraftsman, or husbandry labourer, should take more or less than the regulated sum, under pain of imprisonment for 21 days; and that no employer should give more or less, under pain of imprisonment

for 10 days. It did not require minds so enlightened as those of their Lordships' to be aware how pernicious such a state of things must be both to the employer and the servant, but especially to the latter. They must all be convinced, therefore, that it was expedient to repeal these pernicious statutes, and such was the object of the bill, the second reading of which he now moved.

The bill was read a second time, and ordered to be committed to-morrow.

SAILING EXPERIMENTS.

Earl Stanhope stated, that he had in his hand some motions for papers connected with the proposition intended to be submitted to the House by a noble Lord (Darnley) not now present, on the subject of the naval establishment. Though that question had gone off till after the holidays, he would move for these papers now, understanding from the noble Lord opposite (Melville) that there was no objection to their production. He then moved for a copy of Earl Stanhope's note to Sir R. Curtis, and others, with the 41 questions therein contained; a copy of the report of Captain Lloyd, of the Racoon, to the admiralty, on the subject of the sailing experiments made in consequence of Earl Stanhope's suggestions, and a copy of the order of the admiralty board to the admiral in the Downs on the same subject.

Lord Melville was not aware that any public inconvenience would result from the production of the papers, if they were moved with a view to the motion on the subject of the naval administration: but if the noble Lord meant to make them the foundation of a specific motion on the subject of ship-building, he must oppose the production of the papers, as he did not think that their Lordships were the most competent judges of the proper mode of constructing ships.

Earl Stanhope stated, that the papers were called for only with a view to the motion relative to the naval administration.

The papers were ordered to be produced.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, APRIL 6.

JOINT-PAYMASTER OF THE FORCES.

Mr. Creevey rose, pursuant to notice, in order to submit a resolution to the House, having for its object to abolish one of the offices of joint-paymaster of the forces, the existence of which he stated to have been declared useless, in the report of the first committee on the sinecure bill. The salary of the paymaster was 2000*l.* per annum, that of his deputy 500*l.* per annum. The abolition of the office had been declared expedient by the committee adverted to, and he was, he conceived, entitled to say, that the resolution which he was now about to found on their report, was perfectly justifiable, inasmuch as the right honourable Charles Long, whom he now saw in his place, and who was one of the paymasters, having been examined before the committee, had deposed, that the duty of the office could be performed as well by one as by two individuals. Lord Charles Somerset, the other paymaster, had been also examined, and having perused the deposition of Mr. Long, had stated his perfect concurrence in it. Now he (Mr. Creevey) conceived, that this was evidence perfectly irresistible. It was argued, indeed, that it was necessary to have two paymasters instead of one, on account of the great responsibility of the person or persons holding the situation; but on the other hand, it might be contended that less risk arose from trusting one individual than two. It again was argued, that no saving could arise from the proposed abolition, but even if this were the case, he would still have an object in view in promoting it; his object was to abolish what he would designate by the name of parliamentary places. He did not conceive what necessity there existed for the presence in that House of a military place-man, no part of whose duty it was to explain the accounts of the army. He had been advised by a noble Lord, some little time since, to await the result of the progress of a bill then passing through the House, in which the office in question was included. But the noble Lord who had given this advice had afterwards voted himself against the bill. But the bill, after all, had passed last night. He would now state his reason for attacking, notwithstanding that circumstance, the place which was the object of the

motion he was about to make, in the shape of a resolution. He was satisfied that the bill would not pass into a law. It was much too good a bill to pass. It went to destroy too much parliamentary influence. There were in all parts of the Empire too many good things, under the head of sinecure offices, in the enjoyment of which, members of Parliament would be well pleased to admit of its passing. Now, perhaps, among these there was none, the existence of which constituted a greater abuse, than that to which he had drawn the attention of the House. He should like to hear what a man of good common sense, but not versed in state affairs, would think of it. He could easily suppose that such an one, on being informed of the amount of the noble Lord's emoluments as joint-paymaster, without having any duty to perform, would immediately surmise, that it was granted to him as a reward for some signal services performed at Talavera or Salamanca, or some other of those places which had witnessed the triumphs of the British arms. On being assured that such was not the case, that the noble Lord had never signalised himself on foreign service, he would conjecture that he had performed some remarkable service at home. O, certainly, it might be replied, the noble Lord is appointed to act against the French, as commandant of the Sussex district—And of course he has nothing for this!—O yes, he has 5*l.* a day, the pay of a general officer, besides very ample allowances. He has, for instance, an allowance of 16 horses, together with means to keep them, so appointed as that they shall be always fit and ready to enable him to scour the country, and give chase to the enemy. The noble Lord, it might be added, never did any business in the office from which he received 2000*l.* per annum. On further inquiries as to the grounds on which so large a salary was given to the noble Lord, it might be suggested that he was always to be found in his place in Parliament; that he was a member of a great and powerful family in the country, who, with their friends, had the power of disposing of many seats in Parliament; that they at present happened to hold a set of opinions very similar to those of the existing ministers of the crown; and that these ministers thought the best manner in which they could reward this useful congeniality of sentiment, was by giving to a distinguished member of the family 2000*l.* a year for doing nothing, together with the command of a district, and 500*l.* a year to his deputy. Upon this just exposition of the case, he (Mr. Creevey) would contend, that any reasonable man,

who would without hesitation pronounce that a monstrous abuse existed, he would think right; he himself was entirely of that opinion, and of opinion that a reform of the above was absolutely necessary. Such abuses were to be done away only by such measures as that he would now propose. The honourable member then moved a resolution, importing that it appeared right to the House that the office held by Lord Charles Somerset should be abolished, inasmuch as the select committee on the sinecure bill, in 1810, had recommended the abolition thereof, grounding such recommendation on the evidence of Mr. Long and the noble Lord himself.

Mr. C. Long observed, that the honourable gentleman who had moved the resolution, had not stated any sufficient reason why the opinion of the House on the subject of the abolition of that office should be altered. If in 1810 it had been thought that the office was unnecessary, there were very strong grounds why that opinion should now be changed. A bill had passed through the House, in which the office was mentioned as one of those which should be abolished; it was, therefore, very strange that after this the honourable gentleman should propose such a resolution. But the reason which he had assigned was, that he was certain that the bill would not receive the assent of the Lords. The honourable gentleman would have done well, at least, to have waited until he found whether or not this was the case. The honourable gentleman had been pleased to say, that he (Mr. Long) had said that office was unnecessary, because its duties might be discharged by one person as well as by two. He begged to remind the honourable gentleman that he had never rested his opinion on any such ground. On the contrary, he had stated, that on looking at the state of the office, he had found, that for the last century, its labour and responsibility had very much increased, and that its salary had never been augmented. Mr. Burke reformed the office, and very properly had taken away from it the custody of public money, at the same time reducing the salary to 4000*l.* a year. The office had also been considered by a committee appointed to inquire in what offices the salary could be reduced without detriment to the public. On the subject of this office the committee reported, "that considering the state of the pay-office, and the pressure of business; considering also that the salary had been reduced by Mr. Burke, it could not be farther reduced without detriment to the public service." What had happened since

the time of that report? The duties of the office had increased four-fold. Under these circumstances, did the House think, that with a view to the public service, the salary of the office could be reduced? Assuredly not. It had been said that he (Mr. Long) had reported that Lord Charles Somerset did none of the duties of the office. This was another mistake; for he had not said that his Lordship did none, but that he did not do much of the duties of the office. No important step was ever taken without consulting him; and all that part of the duty which related to Chelsea Hospital, and which was by no means inconsiderable, his Lordship took upon himself; and it was but justice to state, that he had always of himself proposed to take charge of any of the duties of the office which might be thought necessary. He did not conceive that the House could agree in opinion with the honourable gentleman, while the office which it proposed to abolish was included in a large plan. The honourable gentleman had said, that he did not wish that the office should be abolished, so much on account of the salary, as because it was a parliamentary office. He would wish that the honourable gentleman would say how many parliamentary offices he would wish to exist, and that he would bring forward a motion for the abolition of those which he might think unnecessary. For his own part, he thought that the bill which had passed through that House, and which included the office in question, could not serve any good purpose; for it had long ago been given up as a measure of economy. He would ask the honourable gentleman whether it was not said out of doors that the abolition of sinecure offices would be the means of saving a great deal of public money, and of course afford additional resources for supporting the war? This certainly was an opinion which was very prevalent among certain classes, and it was encouraged by the supporters of the bill, although it was a gross deception; because the object of the bill was to establish another system, namely, that of substituting pensions for sinecure places, which would cause considerable additional expense to the public. No man could approve of the plan of Burke and Pitt on this subject more than he did; but the bill went on principles totally different. The proper remedy would be to revise sinecure offices, and to abolish those that might be thought unnecessary. This had the sanction of Mr. Burke, who had declared that sinecures were to be preferred to pensions. It would be absurd (to call it

by no other name) to agree to the motion of the honourable gentleman, while there was a bill going to the other House, in which the office in question was included.

Mr. Western said, he could not conceive how the House could refuse the motion of his honourable friend, when they recollected that a committee, selected by themselves, had declared useless the offices to the abolition of which it went. That motion, he thought, had derived considerable support from the speech of the right honourable gentleman who had spoken last. He had admitted that he had given it as his opinion in evidence, that the continuance of the office was unnecessary; and had, moreover, exhibited a great jealousy of all interference on the part of his colleague in office. He had insisted, indeed, on the inexpediency of diminishing the salary attached to the office; this he was not disposed to deny, but this was a point quite distinct from that which his honourable friend had in view. He did not see any ground upon which the House could refuse to adopt the resolution proposed—they ought to agree to it in justice to their committee; and if they did not, he could only say that the labour of select committees, generally speaking, was a mere mockery, when their reports were liable to be thus slighted, after they had been engaged in toilsome and laborious inquiries with respect to subjects on which the feelings of the country were deeply engaged. For his part, he felt extremely grateful to his honourable friend for having brought the subject before the House; and he conceived that the measure he had recommended was one which the House ought to adopt with respect to matters coming under their cognizance, whenever they found that any other, designed to remedy an evil, was not of sufficient efficacy.

Mr. Calcraft opposed the motion of his honourable friend, contending that the bill which had been passed the other night, and sent to the Lords, contained a schedule of offices to be abolished, among which was that to which the resolution of his honourable friend applied. He did not pretend to the foresight of his honourable friend. He could not predict what the Lords would do with that bill. He was willing to give their Lordships credit for a disposition to act right with respect to it; and under this impression, he felt bound to leave the question in the course into which the House had thought proper to put it.

Mr. Huskisson also declared himself to be inimical to

the proposed resolution, as involving the principle that the House of Commons should legislate with a view to the abolition of the office in question, or of any other office, without the concurrence of the House of Lords. To agree to such a resolution would, in his opinion, be to establish a precedent that might be very injurious in its consequences. He saw no reason for asserting that the Lords would not adopt the sinecure bill. To agree to the resolution, would be to furnish any noble Lord who might be in hostility to that bill, with the argument that the proceeding of the House of Commons in sending the bill up to them was a mockery, as before the discussion of the measure in the Upper House, the House of Commons proceeded to legislate for the abolition of an office, the abolition of which was provided for in the bill itself! If the present resolution were agreed to, why might not other resolutions be proposed, addressing the crown to abolish the other objectionable offices? And yet so to proceed would be for the House of Commons to take the whole power of the state into their own hands. As to the particular office itself, the opinion which he had recently delivered upon it had been only confirmed by the speech of his right honourable friend on the same side of the House (Mr. Long). He trusted that the two paymasterships would be consolidated, and that the two existing salaries would be given to one efficient and responsible officer. Reverting to the sinecure bill, he maintained that it was a measure of economy. As a measure of economy, it had been recommended by the committee of that House—as a measure of economy, it had received his cordial support.

Mr. Whitbread would not follow the example of several honourable gentlemen, by saying any thing on the merits of the departed bill, which had certainly undergone sufficient discussion during its progress through that House. He confessed, however, that he was one of those who despaired of its success in another place. If it should be agreed to there, he owned that it would be to him an agreeable surprise. The House had heard several admissions from the right honourable gentleman opposite, and he (Mr. Whitbread) was willing to make several admissions in return. He admitted that there could not be a more acute individual than the noble person who was the co-adjutor of the right honourable gentleman. He admitted that the salary attached to the office was not inordinate. But, on the other

hand, the right honourable gentleman must admit, that the original office had been split for the mere purpose of parliamentary influence. He gave the right honourable gentleman great credit for his official exertions, and particularly for the economical reform which he had introduced into his department of the public business; but the needlessness of two offices was apparent from the declaration of the right honourable gentleman, that having by his side an individual of co-ordinate authority, of great discretion and discernment, and an exceedingly able calculator, he would not permit him to interfere in the arrangements he had thought necessary to make. He by no means thought with the honourable gentleman who had just spoken, that it was improper for the House of Commons, in extreme cases, to interfere by way of address to the throne; he was of opinion that if the sinecure bill should be thrown out of the House of Lords, the House ought to address the throne against the office in question, not merely on the score of economy, but on account of the parliamentary influence for which it had been created; for nothing could be more evident than that in proportion to the extent of that influence on the part of the crown, must be the diminution of the guardianship of that House over the public purse. He wished his honourable friend, however, to give his motion a fairer chance of success than it could at present experience. If it were that night negatived, it could not be repeated during the present session. He recommended to his honourable friend, therefore, not to throw away his shot, but to withdraw his motion for the present; thereby leaving to himself the power, in the event of the rejection of the sinecure bill by the Lords, to bring the subject again under the consideration of the House of Commons before the close of the session.

Mr. Creevey declared himself perfectly ready to acquiesce in the suggestion of his honourable friend to withdraw his motion. He should watch the progress of the sinecure bill in the other House, and should his predictions with respect to it be verified, he would repeat his present motion.

The motion was then withdrawn.

BANKRUPT LAWS.

Mr. Lockhart rose, in pursuance of his notice, to call the attention of the House to the consideration of the bankrupt laws. He observed that he had deferred his motion from

time to time, in order to give an opportunity for a more deliberate reflection on the subject, and for the production of the returns which were now on the table; all which tended to confirm in his mind the necessity of some alteration both in the system itself, and in the administration of it. Although in the course of his remarks he might find it expedient to advert to several acts of Parliament on the subject, he hoped that it would not be necessary for him to occupy the time of the House at any considerable length. Our ancestors, in the establishment of the bankrupt laws, and in the provision which they had made for the administration of those laws, conceived that they had devised the most effectual means of depriving the bankrupt of all his property, and of distributing it among his creditors. They had not foreseen that the day would come when those laws, and that administration, would turn out to be so beneficial to the bankrupt, that bankruptcies would no longer be avoided, as in their time, but be sought with avidity. They had constructed a great system of insolvent law, without those checks and guards which were indispensable against abuse. In support of his opinion on the subject, he quoted a passage from Blackstone, the substance of which was, "that the existing system of bankrupt laws encouraged prodigality and extravagance, for that the most prodigal and extravagant persons received the greatest benefit from those statutes, they being unaccompanied by proper conditions." What were the conditions annexed to these statutes, as those by which a bankrupt's certificate was to be obtained? On his last examination before the commissioners, the bankrupt was to disclose how he had disposed of his effects. If he made what appeared to be a true statement of what he had done with that part which was gone, and gave up the remainder, the law said that 3-4ths of his creditors in number and value consenting, and the lord chancellor allowing, the bankrupt should be discharged from all the demands, not only on his personal estate, but on his person. There certainly were other statutes in existence—for instance, there was a statute existing, that if a bankrupt could be proved to have gambled in the funds, or at any game to a certain extent, or to have given a portion of 100*l.* to a daughter, he should not be allowed his certificate. But this and similar statutes had long been obsolete. As the practice of the law now existed, a bankrupt might be a person who had begun business without any capital, who had obtained

credit on false pretences, who had despoiled confiding individuals of their whole property, who had conducted himself in the most profligate and extravagant manner, and who, nevertheless, if he could obtain the consent of three-fourths of his creditors in number and value, could, notwithstanding all his enormities, avail himself at a small expense of the benefits of the statutes, without any other check whatever. This absence of a sufficient guard did unquestionably operate as a great encouragement to dishonest proceedings. It did also manifest injustice to an honest bankrupt. Far was it from him (Mr. Lockhart) to condemn commercial enterprise, founded on fair and probable expectations. But an extravagant and profligate individual, whose life had been one scene of fraud and dishonesty, ought not to receive the same reward of exemption as the fair and open, but unfortunate trader. The existing system compelled the public to view every bankrupt with the eye of suspicion. But it was grievously unjust that the honest and the dishonest should thus endure a common and indiscriminating reproach. To such an evil it was fitting that a remedy should be pointed out. In order to consider what should be the nature of this remedy, the House ought first to look at the examination of the bankrupt. What was the examination that the law now required? The person claiming a certificate had merely to discover and surrender his remaining property. This was insufficient. The commissioners ought to be told how the bankrupt obtained credit, with what capital he had commenced business, whether he had preyed on the property of others, how he himself had lived. If it should be discovered that his conduct had for a series of years been reprehensible in these respects, he ought not to be entitled to his certificate; nor should he be permitted to have any allowance. But, on the other hand, if the commissioners found that the bankrupt had failed in consequence of a fair and honest commercial enterprise, then not only should his certificate be granted him, but his allowance should be increased, as a testimony to his good-behaviour. There was in existence an obsolete statute—the 10th of James I. section the 7th, by which it was enacted, that if any bankrupt could not make it appear to the commissioners that he had sustained some casual loss, which he had been unable to foresee or guard against, he might be indicted for his conduct at the assizes or general sessions; and if convicted, sentenced to

stand in the pillory for two hours. The severity of this law had defeated its object. But it by no means followed, that because this statute, from its severity, had never been acted upon, and had become wholly obsolete, that there ought not to be any punishment for improper conduct. It would require a great deal of consideration to determine who ought to be the judges of the bankrupt's conduct. He himself entertained very serious doubts as to the creditors being the fit judges. In his opinion it would be infinitely better that the commissioners should decide whether or not the bankrupt ought to have his certificate; for in the other case many innocent individuals might be deprived of their certificates by the irritation of their creditors, and many guilty individuals obtain their certificates by the partiality of their creditors. Justice in this respect, as well as in every other, ought to be administered on a fair and immutable principle; and the administrators ought to be influenced by no motive but a consideration of what was due to the parties and to the public. Bankruptcy frauds had been rapidly increasing from the time of Lord Chancellor Apsley, who, in the year 1774, issued an order to the commissioners carefully to examine the reality of the debts attempted to be proved before them, stating that many commissions were taken out with the sole view of fraudulently deceiving the creditors. These evils arose from the bankrupt law—a law which disagreed from the law of the land—which disagreed with every other law of insolvency—which disagreed from the principle of the insolvent bill on the table. If this last should pass, there would be two great insolvent laws in the country, acting in direct contradiction to each other. By the present system, bankruptcy was not compulsory, but elective. A trader wishing to become a bankrupt, had only to get together a few friends, under the name of petitioning creditors, and, at an expense of only 60 or 70*l.* he might procure a commission of bankruptcy to be sued out against him. This was an evil rapidly increasing. Connivances, and frauds of every kind, debts attempted to be proved which had never before been heard of, &c. &c. were perpetually occurring. In illustration of this opinion, he (Mr. Lockhart) read a passage from the opening speech of Mr. Gurney on the celebrated trial of the Folkards; the assertions in which passage he declared to be in his opinion strictly founded in truth. Under all these circumstances, it appeared to him to

be extremely necessary to revise the system of bankrupt law, and—which brought him to his second head—to revise the administration of that system. He was happy to see in the House honourable gentlemen who were themselves commissioners, and who he hoped would declare whether the evils of the system, and of the administration of it, required remedy, or whether it was the best possible system, and the best possible administration that could be devised, equally incapable of any amendment. Far was from him the intention of throwing any stigma or imputation on the character of the commissioners, with many of whom he was in habits of personal intimacy, and for all of whom he entertained those sentiments of respect, which their talents, learning, and integrity, inspired. But this he would state, that from the vast accumulation of bankrupt business, it was utterly impossible for 70 persons, forming 14 lists of commissioners, to get through it properly, unless new regulations were made, for the purpose of compelling the execution of commissions in such a manner, as by a strict examination into the circumstances of every individual case, should prevent the possibility of fraud being successfully practised by the bankrupt. To elucidate this part of the subject, he moved for several returns, which had been, in consequence, laid on the table, and which had been, by his motion, limited to the space of one month, as affording the fairest means of forming a judgment on the case. These returns he held in his hands, and the first thing that struck him in them was, that the commissioners executed commissions only on two days in the week—that was, they did a main duty of their office on those two days alone. It was impossible, therefore, considering the vast recent increase of business, that they could accomplish it in those two days, especially when it was considered they sat only from 11 to one; or, as he was told it was to be understood, from 10 till two. It appeared by the returns, that in some instances the gentlemen on one list had to execute 12 or 13 commissions in that short period of three or four hours. He appealed to the House whether it was possible, that under such circumstances the commissioners could strictly perform all the complicated duties of the office? It was true that some bankruptcy cases were of a trifling nature, but others were highly important, and demanded the most serious and deliberate attention. One of the principal duties of the commissioners was to watch

the proof of debts. For, owing to the increase of dishonest bankrupteies, and the great press of business, it frequently happened that debts never due had been attempted to be proved by persons who had never before been heard of. If so many cases were disposed of in one morning, how was it possible for the commissioners to attend with sufficient vigilance to the accuracy of every particular proof?—If any honourable member who heard him would take the trouble to go to Guildhall, he would also observe a total absence of solemnity in the proceedings before the commissioners. The bankrupt, the creditors, the witnesses, and the individuals connected with the administration of the law, were all huddled together, without any distinction of persons; and the bankrupt was not expected to feel that just sense of shame, which it was extremely fit that all individuals in that situation should feel, and the apprehension of which would operate powerfully on many minds to stimulate them to such exertions as might save them from being subject to it. There was nothing, however, of all this. The bankrupt sat by the side of the judge, in perfect familiarity one with another. There was not even any distinction of dress. In his opinion, the commissioners ought to wear their professional habiliments, as one means of imparting more gravity and solemnity to the scène. It was in the power of the lord chancellor to declare that the commissioners should sit on every day in the week, and not on two days only. The lord chancellor might also prevent that which frequently happened—if it were otherwise, the honourable and learned gentlemen present would contradict him—namely, more commissions than one being executed at one and the same moment. Was it not true, he asked, that many commissions were executed at once? Was it not true that the examination of a bankrupt was carried on by one set of commissioners, and the proof of debts by another, at the same moment? Was it not true that the multifarious operations attendant upon a commission were proceeding at the same hour, or in the same class of hours? If all this was true, it ought to be remedied. For however trivial the incidents, no court of justice could by possibility be trying the merits of two causes at once with any expectation of a fair and impartial determination. Another objection to the existing administration of the bankrupt laws was, that the commissioners were paid by the number of commissions which they executed. It was most unwise to

remunerate a judge in such a manner that he was compelled to compress a great deal of business into a very short space of time, in order to reward himself sufficiently. Such a practice induced every kind of irregularity and absence of attention; and frauds thus proceeded, not only from the bad system of the laws, but from the imperfect administration of them. At present the fees were too small. Three pounds divided among five persons of talent and learning was not an adequate compensation for their labours. Let workmen be well paid, and it might then be justly expected that the work should be well done. So much for the evil. It was not his intention at present to propose any explicit remedy. He might, it was true, move for the introduction of some remedial bill on the subject. It really, however, would be imposing too heavy a burden upon him to load him with the endeavour to effect such material alterations as those which were suggested in the whole system of the bankrupt law and its administration. But he knew that there were honourable and learned members of that House, who were eminently qualified to afford great assistance towards the attainment of this most desirable object. He should, therefore, abstain, in the motion with which he should conclude the speech which the House had so indulgently heard, from proposing any immediate remedy; but having stated what he conceived to be the evil, and hoping to hear explanations on the subject from honourable and learned gentlemen, who were necessarily more conversant with the facts than himself, he should content himself with moving a resolution:—"That the House would, in the course of the session, take into consideration the acts of Parliament relative to bankrupts, and also the administration of those laws."

The motion was agreed to without a division.

IRISH LIGHT-HOUSES.

Sir J. Newport rose to make his promised motion on the suspension by the board of treasury, of the duties imposed by act of Parliament for the maintenance of the light-houses on the north coast of Ireland; and entered into a minute detail on the subject. The substance of the honourable baronet's observations was, that in 1810, it had been thought advisable to take the collection of those duties out of the hands of the commissioners of the customs, and put it into those of the treasury. He (Sir J. N.) had

at that period objected to the duties, as being too enormous, but had the mortification (a mortification which he had frequently experienced) of being left in a minority in Parliament on the question. The next year, however, he had the consolation of finding that his opinions were acted upon; and the duties were reduced from one penny to one farthing per ton. On the 22d of last April, however, the board of treasury—Parliament then sitting—without any communication to Parliament—directed their officers to suspend those duties until further instructions. No further collection had in consequence taken place. In London no duty had been ever collected, and but little in many of the other ports of England. Reserving further observations until he should hear something on the subject, he would then move several resolutions. The honourable baronet read three resolutions, which it was his intention to propose; the two first embodying the facts alleged, and the third expressing the surprise and regret which the House felt at the conduct of the board of treasury.

Mr. Wharton, in rising to offer some observations on what had fallen from the right honourable baronet, said, that he had to regret the absence of the right honourable gentleman who had filled the office of secretary to the Lord Lieutenant of Ireland at the time the transactions alluded to took place; and he had next to regret the loss of his right honourable friend (Mr. Perceval), who, he had no doubt, would have been able to vindicate any proceedings which had been sanctioned by his authority. As it was, he should confine himself to a plain statement of facts which were within his knowledge. Application having been made in April 1812, touching the extreme hardships of the duties imposed by the act of 1811, an order was issued by the lords of the treasury, on the 22d of April, for suspending those duties, and it was at that time intended that a bill should be brought in to reduce and modify them. Why that bill had not been brought in between that time and the murder of Mr. Perceval, he would not pretend to say; but he understood it had arisen from some difficulties with the ballast board in Ireland. Why the bill had not been introduced after that, the House would think accounted for by the events which had followed upon the death of Mr. Perceval. How far, therefore, the charge of the right honourable gentleman was founded, he would leave to the

House to judge, satisfied with having stated the facts with which he was acquainted.

Mr. Peele observed, in confirmation of what had been stated by Mr. Wharton, that the duties were so exorbitant, that the act of 1812 provided that three-fourths of the duties should be returned to those who paid them. He then vindicated the conduct of the ballast board in this business, and paid a high compliment to the zeal, fidelity, and activity, with which that body discharged the duties that devolved on them.

Lord Castlereagh said, that if the right honourable baronet persisted in his motion, after the satisfactory explanation which had been given, he should feel it his duty to move the previous question upon it. He was inclined to indemnify the lords of the treasury for the order they had issued under such peculiar circumstances.

The previous question was carried without a division.

Mr. W. Fitzgerald obtained leave to bring in a bill to exempt the widows of military officers in Ireland from the payment of stamp duties on the receipt of pensions.

Lord Castlereagh obtained leave to bring in a bill for the better regulation of the cotton trade in Ireland. The object of the bill, he stated, would be, not to interfere between the manufacturers and their journeymen, in any difference which might arise between them on the subject of wages, but merely to give them the same summary mode of settling their difference by arbitration, as was established by law in England.

NATIONAL DEBT BILL.

Mr. Lushington brought up the report of the national debt bill. The amendments were agreed to, and the bill ordered to be read a third time to-morrow, and to be engrossed.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, APRIL 7.

The Duke of Athol presented a petition from the society in Scotland for propogating Christian knowledge, praying

that on the renewal of the charter of the East India company, provision might be made for extending the benefits of Christianity to India.—Ordered to lie on the table.

NAVAL ADMINISTRATION, &c.

The Earl of Darnley moved for an account of the state and condition of the ships and vessels under the command of Vice-Admiral Sawyer, on the Halifax station, from April to July, 1812.

Lord Viscount Melville had no objection to the motion, but regretted the postponement of the noble Lord's original motion for inquiry, which it was desirable should be discussed without delay, and expressed a hope, that all the papers wanted by the noble Earl would be moved for before the recess, that they might be printed and ready for the discussion.

The Earl of Darnley also regretted the postponement of his motion, which, if he had been enabled to consult his own inclination, he would have brought forward sooner. He was not aware he should want any more papers, but if he did he would move for them before the recess, and also give notice of the earliest possible day afterwards. He thanked the noble Viscount for the facilities he had afforded in communicating papers.—The paper was ordered.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 7.

COTTON DUTY.

The Chancellor of the Exchequer said, it was not his intention to bring any measure respecting the proposed duty on cotton before the House till after the recess.

EAST INDIA AFFAIRS.

The House having gone into a committee on Indian affairs, the examination of Sir John Malcolm, which was not concluded on Monday evening, was now resumed. He stated the number of native inhabitants of Calcutta to amount to from 4 to 600,000. The inhabitants of Benares might almost compete in wealth with those of Calcutta. He

should think the population of the whole island of Bombay not inferior to that of Calcutta. He knew of no religious prejudices in Persia hostile to the introduction of British goods. When residing in that country, he had occasion to know that the Persian government were extremely desirous of having cannon and fire-arms of the manufacture of this country, and that the nobles were also desirous of having our pistols; but he never knew of their being anxious to have them except for nothing. They generally made use of a cheaper manufacture. The use of wine and other liquors was contrary to the Mahomedan law, and he never heard of any Persian endeavouring to import them. If European adventurers were not restricted to the principal places of the settlements of Madras, Bengal, and Bombay, there would be the greatest difficulty of preventing them from finding their way into the interior of the country. The examination of Sir John Malcolm in the committee on the affairs of India continued until eight o'clock. The chairman then obtained leave to report progress, when the House was resumed.

FINANCES OF THE COUNTRY.

On the order of the day being moved for the third reading of the finance bill,

Mr. H. Thornton rose to express his disapprobation of the measure. He conceived that though it might go to relieve the public burden, it would necessarily retard the extinction of the public debt. The proposed plan could only provide for the more early extinction of new debt, but it could not accelerate the extinction of the whole debt, except in some technical sense, which conveyed a false impression to the mind.

Sir H. Parnell spoke against the bill. The whole reasoning of the chancellor of the exchequer proceeded on a vague assumption, that 28 millions would be sufficient to provide for the current expenses of the next four years; but if this supposition failed, which he thought more than probable, the chancellor of the exchequer would be compelled to resort to a new plan of finance, and to impose new taxes. The principle which he had adopted might at any future time lead him to apply the whole of the sinking fund to aid him in carrying on the finances of the country during the pressure of war.

The Chancellor of the Exchequer replied at some length, and urged his former arguments in justification of the measure. He said, the accuracy of his statement had been

called in question by no one except the honourable baronet, though the inferences from those statements had been disputed.

Mr. P. Grant said, no one had disputed the accuracy of the statements as far as regarded figures, but he thought it impossible in the nature of things, that the general result could be correct, unless there was some fallacy in the expression. If we applied a less sum to pay off a certain debt, it was absolutely impossible that we should pay it off as soon as if we applied a greater. The proposed plan was not calculated for the extinction of the debt, nor for giving facility to loans, nor for relieving the country. The only advantage of a sinking fund was this, its motion accelerated the longer it continued. Its operation was slow at first, but rapid as it proceeded. This principle of progressive acceleration was destroyed by the present measure, which created a new sinking fund on the ruins of the old. As soon as this fund had arrived at a height where it might become serviceable to the country, the chancellor of the exchequer lays hold of it, diverts it from its proper purpose, and applies it not to pay off the debt, but to relieve the expenses of the year. He was himself no friend to the principle of a sinking fund, but he thought the present bill was completely subversive of whatever advantages that system could be supposed to possess.

The bill was then read a third time and passed, with an amendment proposed by Mr. Vansittart.

WEYMOUTH ELECTION.

Mr. Macdonald said he had a petition to present, of which he wished to impress the importance on the House The petition was from certain inhabitants of the borough of Weymouth, against the bill before the House relating to that borough, in which they complained of remedying one abuse by creating greater ones, and tending to confine and destroy the elective franchise of the freeholders. The place in question, he should observe, returned as many members as the city of London, and twice as many as the populous county of York. (*hear!*)

The petition was then brought up and read. It stated that Sir W. Pulteney had formerly possessed a great part of the freehold property of the borough, and by splitting votes by fictitious leases, had got into his own hands the power of returning the members. This power had descended through

the Countess of Bath to Sir J. L. Johnstone, whose trustees, of whom the Duke of Cumberland was one, possessed the influence at present. That his royal highness had, in addition to his influence as trustee, solicited places for his voters. All this the petitioners prayed permission to prove at the bar of the House. They submitted that the freedom of the borough could only be restored by securing the *bona fide* freeholders. That they saw with concern that the bill before the House did not remedy the evils they complained of, and that they submitted that a difference should be made between real bequests to relatives, and fictitious bequests, for the purpose merely of defeating the objects of the former ones.

Mr. Macdonald said, that he thought, of the two modes of proceeding in this case by a select committee, or by hearing the petitioners at the bar, the former would be the preferable one; he should therefore move that the petition be referred to a select committee.

Mr. B. Bathurst said, that the committee on the Weymouth election had reported to the House, that there existed gross abuses in that borough by votes being multiplied to a great degree by wills, real or fictitious. This was the subject which called for parliamentary interposition, and this alone. The petitioners, however, quite misapprehended the state of the case, they came forward on subjects which had been determined by the committee under the Grenville act. The bill before the House, if passed, would do no more than put the borough of Weymouth precisely in the state in which it stood before splitting votes by bequests was invented. No real freeholder could suffer by it. He did not comprehend on what grounds it could be urged, that because the abuse of wills was corrected in the borough of Weymouth, they should go about the reforming of abuses in general in that borough, rather than in the borough A. B. or C. On these grounds he should oppose the motion.

The Hon. J. Abercrombie said, they had in the case before them to choose between inconveniences; for an inconvenience there would be in legislating on the subject without considering it, while at the same time it was to be regretted, that in the mean time the borough in question would not be fully represented. The right honourable gentleman opposite had argued that there was no abuse for the House to legislate on, but that of splitting votes by wills. The petitioners complained, however, that the House, by regarding

this abuse alone, would take but a narrow view of the subject. The right honourable gentleman had said, that the House knew nothing of Weymouth more than of any other borough. It became the House to inquire respecting it, lest by the present bill they might make it one of the closest boroughs in the kingdom. (*hear*!) Why would they not hear the effects on the state of things in that place, of the plan at present under their consideration. Though he (Mr. Abercrombie) was no very zealous advocate for parliamentary reform, he thought it would convince any man of the necessity of it, if that House legislated in the dark on the subject, being told at the same time that they might make the borough a grossly close one. There were grounds in this case for a beneficial alteration in the borough, as the sitting members had been dispossessed, and much gross abuse made of their freeholds by the voters. There had been an interference in the present case also of a Peer, the Duke of Cumberland, who had been extremely indebted to the technicality by which all solid reasoning had been shifted off the subject. He hoped such technicality would not be successful against the present petition, but that the petitioners would be permitted to prove their allegations. The best way to oppose those who called for a reform of that House, would be to show themselves friends to the extension of the elective franchise. He was therefore of opinion the petition should be considered; and as to the mode, the select committee was preferable, from its superior expedition, and from the present occupations of the House.

Mr. Wetherall said, the petition went into the case of the Duke of Cumberland, but on that the House had decided; and into the subject of splitting votes by conveyance, which might be decided on by an election committee, but with which the House had nothing to do. Thus had he got rid of the main part of the petition. (*hear*! *and a laugh on the opposition side of the House*). All they had to do by the bill was, to extend the statute of William, which forbad the splitting the votes by conveyance to wills, and it was immaterial to which party in the borough they gave the ascendancy. By granting the prayer of the petition, they would make the subject darker. They must plunge at the first step into the question of parliamentary reform, no very clear question it must be allowed. He did not think an extension of the elective franchise any discouragement to parliamentary reformers; neither did he think that they

needed any evidence on the abstract point decided on in the bill before the House.

Mr. Preston said, his honourable and learned friend (Mr. Wetherall) had not adverted to a very material point, namely, the amount of the freehold qualification fixed by the bill. (*hear!*)

Mr. Serjeant Best opposed the motion, and said there was no more reason for taking into consideration the influence of the borough of Weymouth than that of any other in the kingdom; neither did he think that if parliamentary reform were necessary, they should legislate on particular cases. The borough in question would never be a close one, while there were 800 freeholders, whose names were affixed to the petition.

Mr. Alderman Atkins explained the grounds upon which the committee proceeded in recommending this bill. Their object was to correct a great abuse, which had crept in by the fraudulent electors of Weymouth, and not to disfranchise the real legal electors, by proposing the admission of the inhabitants to vote, which appeared to be the desire of the petitioners and their advocates.

Mr. C. W. Wynne pointed out a mistake committed by Mr. Serjeant Best, by having the petition read, which petition purported to come, not from the electors exclusively, as the learned serjeant stated, but from inhabitants and freeholders. The honourable gentleman proceeded to deprecate the injustice to which this measure was likely to lead in renewing the right of voting at Weymouth, of disfranchising perhaps many voters whose rights had been recognized by the committee, who in 1804 and 7 examined into petitions from Weymouth. He denied the right of the committee, upon this occasion, to dictate to the legislative power of that House, as the advocates for the bill appeared to suppose them entitled. Such a doctrine was not to be listened to. The committee had legally nothing to do but to inquire into and decide upon the merits of the election, although in this instance they had thought proper to proceed farther, by drawing up a bill, with the assistance of some crown lawyers. Some gentlemen, he observed, called for a general proposition of reform, rather than the proposition contained in the petition; while by others, when that general measure was submitted to the House, the cry was, "Why do not you bring forward specific abuses, instead of your theoretic plans, and we will apply a remedy." For

himself, he declared that he was an advocate for the latter course of proceeding, because he apprehended in the former a dangerous experiment; and the existence of specific and gross abuses being clearly made out in this case, he would apply a remedy—not, however, such a remedy as the bill before the House proposed (and to which the petitioners justly objected), because he thought that bill calculated rather to extend the evil complained of, rather to protect mal-practices, than to serve as a safeguard for the freedom and purity of election, as a measure of this nature ought to be rendered.

Sir John Newport argued in support of the motion, strongly urging the House to inquire, as the petitioners required, lest by this bill the professed object of its advocates should not be frustrated, by rather augmenting than diminishing the amount of the abuses in the borough of Weymouth.

Mr. Wrottesley quoted the cases of Linden and Stockbridge, in which the petitions of the electors were inquired into, and counsel heard at the bar respecting them, before the House decided upon their rights, and he could see no reason why these precedents should not be attended to upon this occasion, as the petitioners requested.

Lord A. Hamilton observed, that the petitioners ought to be heard on this occasion, before a bill, so materially affecting their rights, was allowed to pass into a law.

Sir S. Romilly thought a petition of this nature entitled to peculiar attention, and he begged the House to consider, after all that had transpired upon the subject—after the violation of the privileges of that House, by a member of the royal family in the absolute offer of a place to a voter—after the refusal to inquire into such conduct—what conclusion the public was likely to draw as to its character, if it consented to pass a bill calculated to increase the influence of the very individual guilty of such a violation and undue exercise of power—if it consented partially, without hearing the petitioners, whose rights were to be affected by such a bill.

Sir W. Garrow could not conceive how the character of the House was likely to suffer in public estimation by the enactment of a law which had for its object the removal of an acknowledged grievance. As to the petition, could it be seriously insisted upon, that its view should be complied with, by departing from the ancient constitution of the borough,

in the admission of the inhabitants to the right of voting, merely in order to deprive A. or B. of any supposed influence. To such a proposition he could not accede, and therefore he must oppose the motion; while he would support the bill, because it had in view the abolition of votes created by fraud, not only in Weymouth, but wherever such votes were found to exist, because the measure was to be as general as it was just; and really he was surprised at the assertions, that because it was proposed to do away with the right of voting, from a denomination of property amounting, perhaps, to about the 568th part of a farthing, the rights of election were interfered with as likely to be done away.

On a division the numbers were,

For the motion - - - - -	37
Against it - - - - - -	102
Majority - -	65

Adjourned.

HOUSE OF LORDS.

THURSDAY, APRIL 8.

NATIONAL DEBT.

On the motion of the Earl of Liverpool, the national debt bill was ordered to be printed; and his Lordship gave notice of his intention to move the second reading of the bill on Monday, for which day the Lords were ordered to be summoned.

On the motion of the Marquis of Lansdowne, accounts were ordered of the amount of the national debt, the amount contracted, and the amount redeemed, in each year from the year ending the 1st Feb. 1792, to that ending 1st Feb. 1813, distinguishing the different species of stock created and redeemed, &c.

HOUSE OF COMMONS.

THURSDAY, APRIL 8.

EAST INDIA AFFAIRS.

The House, on the motion of Mr. Keene, resolved itself into a committee on the affairs of India, when

General Alexander Kidd was called in and examined by

Mr. Jackson. The general was 39 years in the service, 34 of which he spent in India. The only thing novel that we heard in his evidence was one fact, which tended to show how strong the religious prejudices of the natives of India were. Two young European officers, he said, having gone out to shoot, happened to pass by one of the Hindoo temples, where they saw several monkeys. Thinking them fair game, they began to fire upon them; but the consequence was, that they were so violently attacked by the priests of the temple as to be obliged to throw themselves into the Ganges with a view of swimming across. In this attempt both of them were unfortunately drowned. General Kidd was then interrogated as to the depredations of pirates in the Eastern Archipelago, and he deposed that, encouraged as they certainly would be by the swarms of private unarmed traders, these marauders would be enabled to give government much trouble, and to do great injury to our shipping, by fortifying themselves on the coast of Borneo, and in the Malaccas. It was not an unfrequent occurrence even now that well armed and manned vessels in the Malay trade, fell into the hands of the savage natives, who massacred the crew, and seized the vessel. As to the disposition of the Polygar Indians, he deposed, that they were always a turbulent and unruly people; and if allowed more frequent intercourse with Europeans, they would become still less obedient to the laws, and the articles of luxury imported might induce them to attempt completely to throw off the yoke. The same questions were put to this witness respecting the government and military regulations of the late Marquis Cornwallis, in 1794, to which he gave similar replies as the answers of the last witness, General Malcolm. Being asked if he did not think that the two armies of the company and of the king could be advantageously united, he declined giving any answer, as the question involved points of great difficulty and importance.

Mr. Vanderheyden, a member of the House, was then examined. He agreed with the witnesses who had been previously examined as to the injury which would result from the unrestrained ingress of Europeans into India, as tending to lower the estimation of the British name, by which alone our Empire in India was supported. The inhabitants of the interior had not at all assimilated to British customs, though such an assimilation was slightly observable in Calcutta.

Mr. Prendergast was then called in and examined. According to this gentleman's deposition, the population of India subsists mainly upon the produce and manufactures of their own soil, requiring comparatively little supply from Europe; nor is that population likely to make any such advance in wealth, or regard for luxuries, as to hold out a prospect of any material demand for the produce or manufacture of Europe.

The House resumed, and it was ordered that the committee should sit again to-morrow.

WEYMOUTH ELECTION BILL.

On the motion for reading the report of the committee upon the Weymouth election bill,

Mr. C. W. Wynne animadverted upon the great difficulty to which any committee hereafter appointed to try the merits of an election for Weymouth, or any place within the scope of this bill, must be subjected by its enactment. For how much must they be perplexed to decide upon the validity of votes affected by such devices as the bill referred to. In his opinion some criterion as to the value of freeholds should be fixed upon in the bill, in order to obviate such difficulty.

Mr. Bathurst thought no such criterion of value practicable, consistently with the object which the bill had in view; namely, the abolition of fraudulent votes. As to the animadversions of the honourable gentleman upon the difficulty created by the bill, he (Mr. Bathurst) never affected to conceal that some difficulty must belong to such a measure, namely, in the additional *onus* which it would impose upon election committees to inquire into and determine the motives with which wills were made for splitting votes.

Mr. Ponsonby conceived that this bill was the most objectionable measure ever, perhaps, submitted to Parliament; for it proposed to introduce quite a new principle of legislation, by subjecting wills to the decision of a committee of the House of Commons. Suppose a will should be declared good by a court of law or equity, or by both, and pronounced bad by a committee of that House, under this measure he would ask whether such a thing were ever heard of before? Yet it was quite probable if this bill passed into a law. The bill professed only a desire to take away the vote created by a will for splitting votes; but by its enactments it would go to take away the property also.

Thus it would not only annul the vote, but the bequest, and give a destination to the property different from that which the devisor intended, which he conceived to exceed the real view of the bill and its authors. He therefore recommended a postponement of the motion, in order that the matter might be more maturely considered, and the anomaly he had mentioned removed.

Mr. Wetherall saw nothing anomalous in the arrangement pointed out by the right honourable gentleman. On the contrary, he asserted that the provision alluded to was quite parallel to the principle of the statute of mortmain, which not only annulled the bequest, but made a disposition of the property different from the intention of the testator. This bill, the learned gentleman also maintained, was perfectly analogous to the provisions in the statute of William, respecting fraudulent conveyances, with a view to create occasional votes.

The amendments were agreed to, and on the motion that the bill be engrossed,

Mr. Ponsonby, referring to the arguments of Mr. Wetherall, observed, that there was this material difference between a conveyance and a will, that the person conveying property for creation of occasional votes, would most probably be alive, and his property would revert to him upon the votes being set aside, whereas the testator would be no more, while his testament would be annulled by the vote of a committee of the House of Commons, against perhaps, as he before said, the decisions of both courts of law and equity.

Mr. Bathurst contended that the bill had no tendency to do more than it professed to have in view. Its object was to abolish fraudulent votes, and it could only effect that object by striking at the root and substance of the fraud which created such votes.

After a few words from Mr. Preston, the motion was agreed to, and the bill ordered to be read a third time to-morrow.

Adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 9.

CURRENCY.

The Earl of Lauderdale adverted to an intimation given in his name by a noble friend, of his intention to bring forward a motion respecting the currency, and stated, that he should give notice, after the recess, of a motion for a committee to take into consideration the state of the currency of the country. In a return made to one of their Lordships' orders for papers relative to this subject, he observed, that it was confined to 3*s.* and 1*s.* 6*d.* tokens, although the order applied equally to dollars; if, therefore, a return was not made respecting dollars also, he should move the House upon the subject.

EAST INDIA AFFAIRS.

The order of the day having been read,

The Marquis Wellesley said, at no period either in ancient or modern times, whether under a republic or a monarchy, or in any country, under any description of government, had a question of greater importance, or, he would say, of equal importance, been presented for deliberation and discussion, than that which now arose in consequence of the approaching expiration of the charter of the East India company. Viewing it in this light, he could not but deeply regret that this most important question, involving so many considerations of the greatest moment to the country, and being itself of the most complex nature, should have been brought forward in a manner and at a time which did not allow of that deliberate discussion the magnitude of the subject so urgently demanded. Delay in this case, instead of affording the opportunity for calm deliberation and mature decision, as it might have done in the hands of wisdom, had produced results rather tending to entangle and perplex the question than to elucidate it. Passion and prejudice had been suffered to get abroad, mixed with the considerations which this question involved; and whilst, on the one hand, an idea had gone forth that the government of the East India company was incapable of improvement, and its system incapable of amendment or amelioration, on the other hand, a wild, he would almost

say, a frantic notion, had been set afloat of throwing open the whole trade to India. Delay had thus led to nothing but to perplex and obscure the question, which ought to have been deliberately discussed and decided upon, and what had been delayed so long must now be precipitately concluded. He agreed with his noble friend (Lord Grenville) in what he had said on a former event, that the measures hitherto adopted in regard to India had been a series of experiments wisely applied; or, if his noble friend liked the expression better, attempted to be wisely applied, to the circumstances of India and of this country, and those which connected the two Empires. He could not, however, agree in the application of general abstract principles to the relations between this Empire and our Empire in India, without reference to the special and particular circumstances which applied to each, and the relations of both. The theory of political economy was best founded in practice, and it was only from practical results that we could deduce a theory that ought to be applied to circumstances as they actually existed. The science of political economy was not well understood until nations had attained a high degree of civilization, and the perfection of the science arose from the relations of states, after their internal economy had been thoroughly understood and appreciated. How had the Empire of India passed to us? It had passed to us through the medium of commerce, and by means of a succession of circumstances, in which the sovereign and the merchant had become united, and the political and commercial character interwoven. It was not merely a question as to the trade to India, but as to the trade with India, connected with the whole commercial system of the East India company, with their sovereignty and political functions. It had been said that the trade with India was unprofitable, was it therefore to be argued that the company were to be compelled to give it up? Take one given article from the extensive concerns of a merchant, it might be said that upon that article no profit was derived, and that therefore the merchant ought to desist from carrying on that branch of trade; but although that article, taken by itself, yielded no profit, yet the dealing in it might be so connected with other commercial concerns, that the continuing to trade in it might be essential to the prosperous commerce of the merchant. So, with the East India company, it was not merely a question with respect to the trade to India. It

had been lately attempted, and not uningeniously, to prove that this trade really yielded a profit. He believed, however, that the trade in itself was really unprofitable: but what then? It was owing to this trade to India that the company were enabled to carry on their trade to China with greater advantage—that they had been enabled to export to China articles of the produce of the manufactures of this country, instead of bullion, which they had formerly been compelled to use, as their medium of purchase in China. It was said that they carried on the trade to India at a heavy expense (the question still remaining, whether a private merchant could carry it on at a less expense?): but again, this expense was connected with other circumstances applicable to their government in India. This intimate relation between the trade to India and their whole system of commerce, and between that and their system of government, rendered it utterly impossible to take the trade to India as an isolated consideration. He believed it to be essential to the carrying on the trade to China, and he also believed it to be vital, with a view to the carrying on the government of India by the company. What, besides, must be the result to this country of opening the trade to India? The articles which must of necessity form a large proportion of those that would enter into the trade from thence, were the products of the looms of India, usually known by the name of piece goods, and the importation of which would immediately tend to injure and distress our own manufactures. Thus therefore the opening of the trade could only be productive of injury to our own manufactures, whilst the taking it away from the company would tend to prevent them from carrying on with advantage their commerce to China, or their system of government in India. The union of the characters of sovereign and merchant—the blending the political and commercial character, might be said to an anomaly; but if he were asked in any society where questions happened to be discussed, what was an anomaly, he should be inclined to say, in the first instance, that it was a part of the British constitution. In the British constitution we had anomalies, not conflicting or counteracting its principles, but harmonizing in preserving those principles in their sound practical effect. Anomaly was therefore no objection—the sovereign and the merchant, it was true, had been united—the political and commercial character had been blended; but it had operated to the advantage of India,

and to promote the welfare of the people. He felt it difficult to speak upon this point, having had the honour of holding a high situation in India; but he felt it necessary to say something upon it, as it formed an important part of the subject. Some of the acts of the government in India had received high honour in this country—upon others a degree of doubt and suspicion had been thrown; but Parliament had ultimately decided in their favour. By the acts of the government of the company in India, the country had been withdrawn from a state of war, and settled in a state of peace and tranquillity. The Decan, the whole territory from the Peshwa's dominions to those of the Nizam, afforded ample proofs of the beneficial effects of the measures of the company's government. The situation of the natives had been ameliorated and improved—the rights of property, before unknown, had been introduced and confirmed by the settlement of Bengal. With respect to the principle of that settlement, he entirely coincided with his noble friend. Every governor of India had acknowledged the justice and the policy of this principle, and he was satisfied that every person qualified to be a governor of India, must do the same. It formed the corner-stone of the government of India, and the extension of the principle to the conquered provinces would found a solid basis for that government to rest upon. The principle ought to be distinctly recognized; but the application of it must be the subject of delay, in order that the various circumstances of those to whom it was to be applied, might be accurately ascertained. Reverting to the questions to which he wished more particularly to call their Lordships' attention, he would observe upon the influence of the government here, as mixed with that of the government in India, and which had continued since 1784. It was, however, a great mistake to suppose that the influence of each could be separated, and the effect of each independent of the other accurately ascertained. It was not what could be or had been done by either, but what the union of both had effected. What had been produced by one or the other separately, could not be ascertained, neither could it be argued that the same effects would follow from the operation of the one cause which had been produced by the union and blending of both. He would say, and he was borne out by the facts, that no government had better fulfilled its duties towards the people whom it governed, than that of India. The situation of the natives

had been ameliorated and improved: a commerce, most beneficial to them, the coasting trade of India, had been established and matured: in every instance their wants and comforts had been attended to: and thus, whether in a political or commercial character, the company's government had been distinguished by the benefits conferred upon the people of India. A judicial system had been established, which, though not perfect, contained within it all the essentials of British justice. Yet this system, thus in all its parts gradually and progressively improving, was held out as one incapable of any improvement, and the grossest misrepresentations had gone abroad in regard to its conduct towards the natives of India. The fact was, that our government watched every opportunity of assimilating (as far as it could be done with safety) the manners of the natives to our own, and of convincing them gradually of the advantages of departing from their old customs, institutions, and prejudices. This was more particularly evident in the military department—the sepoys in the company's service conformed almost entirely to our modes of warfare. This was not only the fact, but it was the whole secret of the superiority of our forces over the native powers. Would it be said, then, that such a people are incapable of changes or improvement? No; but that change must be gradual and voluntary, not crude, precipitate, and forced. If we did not allow our understandings to be fettered and bound down by the superstitious notion that no change could take place, nor ought to be suffered, the result would be, that improvement was attainable, if that improvement was conducted with sufficient caution, wisdom, and deliberation. He hoped that their Lordships would apply some of the principles which he had stated, to the resolutions which it was proposed to them to adopt and sanction. The first of these resolutions declared, that the exclusive charter, the rights, privileges, and immunities of the East India company were to be continued to them, with certain limitations and exceptions. He did not wish to put his assertions before his proofs, but it struck him forcibly that these exceptions not only impaired, but destroyed the whole benefit of the grant. The second resolution was, that the China trade should be given to the East India company; but this resolution was arranged and worded in such a manner as if it was meant to be considered as an exception to the rule, and not a part of it. The third resolution gave permission to all persons who had provided themselves with manifests, to trade to and from

any of the ports of India, to and from such of the out-ports of this kingdom as should be represented by the commissioners of customs as most eligible, the returns of which were to be laid before Parliament in the course of next sessions. Lord Wellesley said, that he took it for granted that the East India company was to be continued as the organ of the government of India—if not, he could not see why it should be continued at all; but if it was continued as a political organ, why not give to that organ all those advantages, all those powers, which were requisite to enable it to peform its functions effectually? Let us see what those advantages are, which at present enable it to perform those functions abroad and at home. By the proposed regulations, all persons are to be permitted indiscriminately to visit India and trade there. Now, it was impossible for any one at all conversant with that country, not to know that there was, in the influx of Europeans into India, a great and positive danger to the stability of the government, and to the happiness of the natives. So convinced was he of this, that in 1803 he had publicly stated, that if a great influx of Europeans were permitted, the power of the government might not be able to counteract the dangor. But what are the powers of that government to retain and regulate foreign intercourse? By the law as it now stands, the being found in India without a licence, is being guilty of a crime, of a misdemeanour, vulgarly called interloping, in consequence of which the company has a right to send every individual so found out of the country. This right had, no doubt, in some cases been exercised invidiously. During the whole of the time he (the Marquis Wellesley) had been there, he had never exercised it but once—in carrying into effect an order of his predecessor. Suppose then any of those gentlemen from Birmingham and Sheffield, persons of affluence and respectability, of high character and spirit, were to go out on the faith of the proposed regulations, were they to be told, as soon as they arrived there, that their being found in India was in itself penal? Were they to be invited to go to India merely to be sent back again? Could this power be retained—could it be exercised, without a delusion of their hopes, without a violation of their rights, without putting them in the state of criminals, only for making use of one of the most valuable privileges of a British subject, to trade to all places where the laws and government of his country allowed him to do so? The moment a free trade

was opened, this restriction, therefore, could no longer subsist. A free trade to India, and a virtual prohibition to the trader to reside there, was a contradiction too glaring to be admitted for an instant. Parliament could not sanction this monstrous anomaly—the crown could not sanction it. If then individuals were only liable to be sent out of the country for offences actually committed, what security would this afford to the government? Persons might be guilty of acts highly dangerous to the state, which yet could not be brought before any legal tribunal. Besides, where were these offences to be tried? By the law now existing, a British subject is amenable only to the jurisdiction of the supreme courts; but it had been usual, before granting a licence to any person to proceed into the interior of the country, to demand a bond, by which the parties agreed to submit to other jurisdictions within the country. The noble Lords present might probably entertain doubts of the validity of such a bond. For his own part, he conceived the supreme court would be justified in rejecting it. What, then, could be done? Either individuals must be sent down to the supreme court to be tried for every offence, by which the difficulties of obtaining redress would be multiplied to such a degree as to render it unattainable by the natives, or it would be necessary to restrict the intercourse to the neighbourhood of the chief presidencies. But it would be contrary both to the letter and spirit of the act, to say to these people—"If you will confine yourselves to Calcutta, or Madras, or Bombay, if you can find a vent for your manufactures here; if this will be sufficient to fulfil your utmost expectations, and gratify all your wishes, you may stay here as long as you please, but we cannot permit you to go any farther into the country!" Another evil, scarcely less to be deprecated than the probable consequences of indiscriminate intercourse, was the conflict of interests and sentiments which would arise from the competition between the company and the private merchant. This would lead to endless petty squabbles, in which the interference of the company would always be regarded with a jealous eye: its mixed character, as a political and commercial body, would become suspected and odious, and that union of the two characters be rendered dangerous and impracticable. The evil did not end here. The resolution says, that the private ships are to be suffered to sail from any of the ports in India, provided they have

got clearances. But where were they to apply for these clearances? Would they find custom-house officers at Siam, in the kingdom of Persia, in the Eastern Islands, where these ships are permitted to go? First, we have seen that the act relating to interlopers is to be applied against a free trade, and now we find that the manifest act is to be enforced where there are no custom-house officers. It was not easy to say what the effect of extending this permission trade to the Eastern Islands might be. Might it not affect the monopoly of the China trade, and in this, affect the whole of our commercial and political prosperity in India; for the connection between India and China was always close, but it was now of the closest kind. The one, indeed, could not be separated from the other. It was said, that the trade to India was not in itself profitable; but, as he had stated before, it might be necessary, as connected with other branches of a general system; and he could assure their Lordships, that in this point of view the whole of the profits on the India and China sales were not more than sufficient to enable the company to meet their payments, and to carry on the mighty fabric which they had established. The method adopted by the East India company, of sales by public auctions, was attended with the most beneficial effects. It secured the revenue from defalcation, and prevented the English market from being glutted with Indian goods, brought over by continental traders. It neither was intended, nor would it be possible, to extend the same system to the out-ports. Let this manifest act be examined, if they could find officers to act under it, and see (which was entirely out of the question) what securities could be afforded. The value of the articles must be taken from the sum stated on the packages; for it was in the nature of the East India commodities that they could not be opened without destruction. The packages must be taken to contain what they were stated to contain, and the greatest frauds must be the consequence. They should examine, therefore, what would be the necessary effect of overturning the system established at London, so essential to the mercantile returns as well as to the political functions of the company. The out-ports, it was said, were not to be admitted to the privilege of receiving the advantage of the extension of the imports, without affording securities as to the revenue. Had this been examined, it would be found that due securities were impossible, without such a

degree of expense as the out-ports could not apply to this purpose. Had it been considered what would be the effect of the system proposed on the port of London?—what its effect on the vast capital expended under the supposition that the trade would be continued at that port? on all those arrangements, which had the effect of giving such security to the revenue—arrangements established by the traders—not from any abstract love of loyalty, but on the conviction that the interest of the revenue was ultimately connected with their own? Should all this system be broken down to give hopes to the out-ports, which would finally prove (he was convinced) as delusive as they were unjust at the outset? He esteemed it abstractedly a great political principle, that commerce should be unfettered—that it should find its own level: but this principle should be restrained and regulated by political considerations. Whether or not it might be proper for them to allow a man to enter into a trade in which they were convinced he would ruin himself, they certainly ought not to grant such a liberty without inquiring as to its effects on great political rights, or its injury to the capital of others; and if there existed a danger, it was their duty to provide against it by taking away the speculative advantage. Was it supposed that an influx of British commodities into India would, on a sudden, give the natives either the desire of possessing them, or the power of purchasing them? Was it supposed that it would at once increase the productiveness of the country or the moral character of its inhabitants? He hoped a ray of discretion would enlighten the councils of the government—that they would uphold the present system, with such modifications as were in former times proposed, and which the company themselves had agreed to. The propositions of Lord Melville (a name, on this question, to be mentioned with reverence), which, in 1800, had been submitted to the company, would give all the facility to the employment of British capital, which could be given consistently with the essential principle of maintaining the company.—The subsequent resolutions, the 4th, 5th, and 6th, he should not offer any objection to, nor did he think them liable to any. As to the point of building ships in India, he had already offered some observations, to which he should add one only. He was convinced that ships built in the British dominions in India were entitled to British registrar; this he had taken pains to ascertain,

and this confidence was grounded on the best legal advice. As to the seamen also, born within our territories in India, they were, he was convinced, British seamen under the navigation act, and would in any court of law be recognized as such. Without entering, however, into the discussion of the general point of right, it would be highly desirable on these subjects that the point should be ascertained; that if the seamen were to be considered as British, and the ships entitled to registrar, the rights should be announced. As to the navigating the ships of the company in time of peace with a majority of British seamen, he thought the restriction impolitic, because the company would not wish to depart from such a system. It was, however, of the highest importance that the company should know the grounds on wich they stood. This led him to the consideration of the resolution for extending the trade to the out-ports, which was framed in a most curious manner. It should be distinctly stated, whether the executive government was to have the power of extending the trade to the out-ports. If such were the intention, the company could not derive much consolation from the manner in which a similar power had been exercised under the warehousing act. The provisions of this act had been extended to Chester, Exeter, and Newhaven. They would thus see that there was no great security for them without the controul of Parliament. These out-ports, he was of opinion, should not be licenced, except by proof of security exhibited to Parliament. It was essential, however, that the company should not be kept afloat, exposed to the collision of two authorities. He had no objection to the 9th resolution, which gave greater extent to the royal authority over the appointment of the civil functionaries; and as to the 11th, he should postpone his remarks on it to his conclusion, when he should express his opinion on it, as to all its bearings. Having stated his opinion as to the resolutions where obscurities existed, and as to those especially which tended to fix in the seat of government a power shorn of all its means of action, he should advert to those subjects on which he conceived there were omissions of such importance as to call for all the wisdom of the noble Lord (Lord Buckinghamshire). He (Marquis Wellesley) had never been an advocate for the separation of the royal authority from that of the company, but had always maintained that the greatest advantage resulted from their amalgama-

tion; but he thought that improvements on the existing state of things were requisite, and capable of being applied. He had always thought, that the power of the government at home over the executive power of the company was deficient both in strength and promptitude; and that the company's administrative power would derive strength and dignity from the influence of the crown. The mercantile character of the company should be connected with the political as closely as possible, but the company would find in the controul of Parliament over the former, as well as the latter part of their conduct, the best security; and to Parliament their conduct, as merchants, should accordingly be subjected. A most essential point was, that the company should know to whom they were to be responsible. When they had received instructions, such as they had formerly received as to the most important system of policy which had ever been applied to our Eastern Empire—a system founded on a principle which, as experience had proved, had diffused peace over regions which were before all ruin and devastation, and which had extended British dominion where Christian voice had never been heard before—such instructions might be disavowed at pleasure, as in the important case in question they had been. The company should be controlled, but not by an amphibious authority. Another surprising omission was as to the whole subject of the Indian army, except as to the settling the quota of King's troops. The greatest mischiefs which had arisen in India were from the collision of the civil and military authorities: and though when he (the Marquis Wellesley) held the situation of governor-general, from the excellent temper of the functionaries, and the exigencies of the times, and finally from the brilliant successes of the army, that collision did not occur; yet he had thought it his duty to beg his Majesty either to relieve him from the weight of his situation, or to confer on him the office of captain-general. He beseeched the noble Lord (Lord Buckinghamshire) to take into consideration this most important subject, if he wished our Indian Empire to stand on its present footing. He came now to a point of the utmost delicacy and difficulty, but which, notwithstanding, would be benefited by discussion in Parliament, before which discussion vaunted delicacy and difficulty had often vanished. The army in India rested too much on the footing of profit, without reference to honours at home.

An army more full, than the Indian army, of honour, loyalty, and valour, he had never seen; and he could not have conceived that it would, under any authority, have become otherwise; and he had tried it in circumstances of the greatest difficulty. The native part of it in particular had behaved in the most honourable manner in Mysore and in Egypt, notwithstanding all the prejudices envenomed in the minds of the soldiery. But the emoluments of this class had been much reduced, and it was unjust that they should be excluded from all the honours by which all the other members of the Empire were rewarded. This he pressed on the consideration of the noble Lords opposite to him. Another omission was on the subject of foreign adventurers, who, in the event of peace, might live without the British settlements subject to no laws. This was not provided for when the circumstances of the times so loudly called for such provision. The point which he had reserved for consideration, was as to the ecclesiastical establishment in India: the dignities of it he had always thought necessary to ensure the respect of the natives to the British character, though he did not mean to express an opinion, whether the introduction of a person vested with episcopal authority might, in the present irritated state of the public mind in India, be injurious. Collision with the civil government should be guarded against by means similar to the connection between the bishops and the crown in this country. In providing this establishment, a most material point, connected with it, had been neglected, viz. a provision for education, civil or military. To revive the languishing establishment at Fort William, would be the best means of remedying this defect. As to the extending Christianity to India, all recommendation from the government of the religion it revered and adored, to the natives, by whom a recommendation from the government is considered as a command, should be avoided; and all that was to be done should be effected by the gradual diffusion of knowledge, for which purpose a collegiate body should be subject to the first dignitary of our Indian church. As to the missionaries, he had never heard, while in India, of any mischiefs done by them, neither had he heard of any impression produced in the way of conversion. They were quiet, learned, and orderly; and Mr. Carey, one of their number, was employed as instructor in some branches of oriental learning at Fort William. He (Marquis Wellesley) had thought it his

duty to encourage the translation of the scriptures, but had also thought it his duty to issue no orders of government on the subject of religion. As a Christian governor, he could not have done less; as a British governor, he could not have done more. If, indeed, a project had been formed to the complete demolition of the company, and for the creation of a new government upon the ruins of the ancient and venerable fabric, at least it might be said that the plan was bold and decisive: but in the scheme now proposed, no such vigour was to be traced; nor was its deficiency supplied by wisdom or policy: the East India company was to be continued as the organ and instrument, without any of the power and authority necessary for government. Ministers called upon it to perform that for which their strength would be inadequate: they insisted that the flood-gates of commerce should be opened, and the company was to sink or swim as chance directed. They withered the limbs and enervated the body, and then demanded that it should perform those wonders which it had been able to execute in the height and plenitude of its vigour. No commensurate advantage was offered to compensate; the revenues would be endangered; the manufacturers would perhaps be ruined; and no additional benefit could be derived from an open trade. Under all these circumstances, he felt it his duty to resist any general alteration of the system, being firmly convinced that no very material amelioration could be attained; and in order to place his views in the clearest light, and to support them by facts, he should conclude by moving for a variety of documents upon the subject, some of which might be before the House, and others might even be before the public, but which it was absolutely necessary to bring into one distinct point, to elucidate this important and intricate subject. His Lordship then handed his motion to the woolsack. The question having been put,

The Earl of Buckinghamshire rose, because he thought he should be guilty of unpardonable neglect of the duties of his office, if he did not make a few observations upon what had fallen from the noble Marquis. He should first advert to some personal allusions that had been made, and he lamented that the noble Marquis was not present, (Lord W. having retired) that he might acknowledge their inapplicability and injustice. Ministers had been charged with having precipitately, and without due inquiry, brought

forward this system, described and admitted to be of such great importance. That this remark should have been made by the noble Marquis, was most extraordinary, because he must know that two years ago a committee had been appointed expressly to take this subject into consideration; that voluminous reports had by it been made; and more than that, the noble Marquis knew, that he never himself took the trouble to attend one of its meetings. (Lord Wellesley having resumed his seat, Lord Buckinghamshire repeated his last observation: he then continued.) His noble friend had argued upon the resolutions as if they had been worded with the precision of an act of Parliament, when he must be perfectly aware, that at his own suggestion they were introduced instead of a bill, as the ground upon which an enactment should be raised, after the foundation had been deliberately examined. In the first resolution he had chosen to insert a word that had no existence, and in objecting to its situation had forgotten that it ought to have precedence, since, until the grand question of the renewal of the charter was determined, the minor details could not be fitly discussed. The noble Marquis had talked loudly of the dangers that were to be dreaded: he had endeavoured to frighten the House and the country into a compliance with his wishes: he had conjured up phantoms, with which he seemed to contend most valiantly, but those who beheld him were lost in astonishment at his vehement action, erected against objects they could not see, since if indeed they had been at all, it was only in the terrified imagination of the noble Marquis. If he had taken the pains to read the correspondence on this subject with the directors, these airy nothings would never have tormented him; for what was their opinion? They saw no danger in the opening of the export trade, or from the efflux of adventurers connected with this part of the subject: their fear applied to the import trade from India, and if their authority were worth any thing, it was entirely opposed to their friend. The noble Marquis might, perhaps, not be disposed to pay much attention to the sentiments of the present governor-general, and he would therefore quote the opinions of an individual, for whom (doubtless on good grounds) the noble Marquis appeared to entertain a very high respect—he meant Lord Wellesley, who, writing from India to the directors, in 1800, used these words, conclusive against his statement of to-day:—"Your government can always

with less difficulty controul the operations of British than of foreign adventurers: the designs and attempts of foreigners must always be more dangerous than any consequences that could result from an increased resort of British subjects, under such limitations and restraints as your wisdom may frame."—(*hear, hear! from Marquis Wellesley.*)—How could these two discordant opinions be reconciled? In 1800, under proper regulations, nothing was to be apprehended: in 1804, (when the charter was about to expire) consequences that endangered not only India, but England, were to be dreaded. Did the noble Marquis intend to argue, that American merchants ought to be allowed privileges that were denied to our own subjects? Were treaties to be formed with foreign powers, who were to be put upon the footing of the most favoured nations, and were Englishmen to be the only exception? were they to be excluded from advantages given to foreigners? That the House might see how important it was that the trade enjoyed by foreign nations should be devoted to our own countrymen, he would state the extent of it in 1806-7. It amounted to no less than 1,958,105*l.* and it could not be denied, that even such an addition would afford a great relief to the mercantile interest. The exports of the company at the same time little exceeded one million. He admitted that great practical advantages ought not to be sacrificed to theoretical calculations, but here actual experience was called in aid of speculative policy. Could there be any reasonable objection to individuals of large property and respectable connections employing their capital in the trade to India? Was any danger to be apprehended even from the lower classes of merchants, who must be always under the controul of the political authorities? His Lordship then enlarged upon this part of the subject, and read several extracts from a report made upon the subject, to show that it was not probable that adventurers would penetrate into the interior from Calcutta, since that branch of the trade was always carried on by native merchants. He also noticed the augmentation of exports from 800,000*l.* in 1797-8 to 1,947,000*l.* in 1802-3, and deduced the conclusion that such increase would proceed progressively. His Lordship's remarks were now nearly inaudible below the bar, but he proceeded to the subject of manifests, which he contended could be prepared, and to smuggling, which could be prevented. He insisted, that whatever smuggling now took

place, was carried on by the officers of the East India company; and that if that could be prevented, the revenue would be augmented to a greater extent than it would be reduced by smuggling, if the trade were thrown open to all the out-ports. The *ad valorem* duty noticed by Marquis Wellesley, next occupied his Lordship's attention, but his remarks could not be heard, nor was he more intelligible on the subject of India-built ships, with regard to which a slight explanation took place between him and Lord Wellesley across the table. The subject of religion was not dwelt upon, but his Lordship bestowed great praise upon the noble Marquis, for the exertions he had made in establishing colleges for the promotion of knowledge. The true reason why that system had not more completely succeeded, was a want of energy on the part of the directors; but we lament that his Lordship did not assign his grounds for this opinion in a tone of voice more distinct and articulate. The noble Earl concluded by observing, that the commercial interests of the country ought to receive every privilege and advantage which they could wish for, provided such privileges did not interfere with the substantial rights of others. It was the duty of the legislature not to place the merchants of this country in a worse situation than foreigners, in trading to India.

Lord Grenville said, whatever sentiments might be entertained on the subject now under their Lordships' consideration, they must all feel obliged to his noble friend (the Marquis of Wellesley), for the opportunity he had given them of discussing this question, before the period when they should come to a final vote. Now was the time when discussion and examination might be useful. If he felt grateful for such an opportunity for discussion, he felt more so for the light which the high official situation filled by his noble friend, and the distinguished part he acted in our Indian Empire, enabled him to throw on the question. The noble Earl who spoke last had satisfactorily explained one point, which, in the discussion out of doors, had been frequently lost sight of; that whatever rights might be conceded by former acts of Parliament to the East India company, they were now extinguished—they were granted for a time limited; that time was expired, and they were now about to legislate for the Indian Empire, free and unlimited; bound by no previous plan, and fettered by no previous act of the legislature. Until he had seen the

whole of the plan proposed by his Majesty's government, of which an outline had only yet been laid before them, he felt a difficulty in making any general observations on the subject. He was not disposed to throw any difficulties in their way; but, on the contrary, inclined to afford them his most cordial and zealous assistance. He did not believe, however, and he should be happy to be convinced to the contrary, that the union of the two objects of political power and commercial undertakings in the East India company, were compatible, in the degree which they imagined, with the existence of the single and unaided competition of the British merchant. Of this he was, however, convinced, that the liberal conduct adopted towards the merchants of foreign nations, they could not deny to their own. This was an incontrovertible proposition; and they ought to keep in view, whether or not it might be practicable to reconcile with this principle the details of the plan of his Majesty's government. One error appeared to him to run through the resolutions and the speech of the noble Earl—the considering as principal that which was merely secondary, and as secondary that which was principal. The resolutions began by laying down the importance of preserving the privileges of the East India company, with certain exceptions. Whether it might be proper to keep up a commercial company which was said to carry on commerce at a loss, was surely a question which admitted of some doubt. The noble Earl desired them to agree to the necessity of keeping up this commercial company, for the sake of the government of India. It was the duty of their Lordships to inquire, first, what was the nature of their situation; secondly, what were the duties of that situation; and then, what were the instruments by which those duties could most effectually be discharged? The resolutions were defective, and any act of Parliament founded on them would be defective, which did not vindicate the right of the British crown to the government of India. The question now was, not how the sovereignty of that country was acquired—*de facto*, the British nation was sovereign in India; and to question this, was to doubt the existence of the monarchy under which we live. Under a monarchy, no subject or class of subjects can acquire political dominion except for the crown. No country which was conquered by British arms, which was subdued by British valour, or gained by treaties made with British sub-

jects, could possibly be acquired for any government except for the crown of Great Britain. In the present disturbed state of Europe, the greatest part of it could only be considered as in the state of *de facto* government. On the same right, their government in India rested. When he stated this, it was hardly necessary for him to say that he was speaking of an Empire, governed by the King and Parliament, according to the principles of the British constitution, in the lawful councils provided by that constitution. If it was on that right which the British Parliament were entitled to legislate for India, the next inquiry was, what were the duties which that situation imposed on them? He would state these duties in the order which they occurred in his mind, though he was sorry to say, in a different order from that in which they had been too often hitherto considered. The first duty was to provide for the good government, happiness, and prosperity, of that country which was cast on our care. To the right of government this duty was necessarily attached, and it was not to be considered as a question secondary to the existence or prosperity of the East India company, or to the advantage of British commerce. The first and most important consideration, to which every other ought to give way, was the happiness and prosperity of the people of India. The next point for their consideration was, in what manner, compatible with that happiness and prosperity, the British nation might derive the greatest possible advantage from that territory? To this question his noble friend and the plan answered—by continuing the East India company in their joint character of sovereigns and merchants, under which character that Empire was acquired. Whether they resorted to science or experience as authority for the formation of a government, they would find the union in the same hands of sovereign and merchant impolitic and indefensible. However tempered such a union might be, still it was fundamentally and radically vicious, and an evil to which they might indeed be compelled to submit, but which no men ought willingly to adopt when called upon to legislate. The inconvenience of such a system, with respect to the welfare of the country, had already been but too obvious. It was impossible for any sovereign ever to trade to profit. The noble Earl had been telling them that the trade to India since the last renewal of the charter, had subjected the India company to a loss of four millions; and if they gained by the trade, it

was by that to a country where they were not sovereign and merchants. Nothing could be a stronger proof of the truth of the position, than that in India, where they were sovereigns, they had lost to the amount of four millions, and that in another country, where they were not only not sovereigns, but were little better than outcasts, there alone they gained by their trade. His noble friend had drawn an eloquent picture of the improvements and reforms which had taken place in India; of the security of property, of the administration of justice, and of the wise and salutary laws which had been framed for the accomplishment of these objects; and he had told them that they were all the result of the joint administration of the East India company and his Majesty's government. But he wished them to look a little closer into the subject, and they would find that by an act of Parliament passed in the year 1784, founded on a long series of oppression and acts of injustice exercised towards the inhabitants of India, the whole of the administration of that country was taken from the East India company and given to the crown. (*hear, hear!*) This was the time of demarcation between the good and bad management of that country. The fact undoubtedly was, that the act of 1784 gave to the board of controul the complete government and responsibility in all matters respecting the administration of India. It had been asked, why not then entrust the direction of the trade of India also to the board of controul. If the board of controul had any thing to do with trade, it would be making them also sovereigns and merchants, the very evil of which he was complaining. It was not, therefore, to the India company that the good government of India, and those beneficial measures of which so much had been said, were to be ascribed, but to the board of controul, who were the King's ministers, and a great man, whose memory he should always hold in the highest estimation, appointed under their influence. He would oppose to those who urged the experiment of the last 30 years as an argument for the continuance of the government of the India company, that it was impossible to continue what was not in existence, and that they must repeal the act of 1784, not for the purpose of giving more power to the King's government, but for the purpose of replacing that government which existed during the 20 years from 1765 to 1784; a period during which there never was an interval when it was not neces-

sary to complain to Parliament of evils of a most grievous nature. There was a fundamental evil in the system, which the virtues of no man or set of men could cure till the whole power was taken out of the hands of the East Indian company, and given to the King's ministers. A point on which he might be induced to trouble them again, was the policy of a renewal of the charter for a period of 20 years. They were going to set to farm for 20 years the whole commerce of an immense extent of country; and they were about to do this at a time when the state of the world was so unstable, that no man could say what, in 20 months, might be the state of our political situation. Would it not, therefore, be prudent to fix the expiry of a charter which conveyed the government of India, and the commerce of three-fourths of the habitable globe, to a less remote period? The character of sovereign and merchant was so interwoven in the East India company, that it was impossible to separate them. He would not ask why these great merchants were the only traders in the British dominions who were unable to state their profit and loss?—and why, at the end of 30 years of good government, they had never been able to separate their commercial and political accounts? He pledged himself, that before the conclusion of this business he would submit to their Lordships a resolution, making it imperative on the company to do that which it was the duty of every individual trader to do —to keep a distinct account of the profit and loss of all their commercial speculations. He would ask, whether their character of merchants supported them in their character of sovereigns? However this might be, it was a dreadful truth, that their character of sovereigns would assist them in their character of merchants. His noble friend had well said, that in India a hint of desire was received as a command from the sovereign. He desired their Lordships to place themselves in the situation of British merchants, or the agents of those merchants in India, who were under the necessity of carrying on a direct intercourse with the natives, and then he would ask them to say what competition could exist between a British merchant and a sovereign, whose hints were received as commands? His noble friend had told them, as an advantageous circumstance, that the company, as merchants and sovereigns, were enabled to make continual advances to the manufacturers. It appeared,

therefore, that the company were not only sovereigns and merchants, but manufacturers also, and that the weavers were thus completely in the hands of the company. It had been said by the noble Earl, that he hoped that part of the resolutions, allowing the appropriation of the territorial revenue after the payment of charges to investments, would meet with no opposition. If he was more hostile to one part of the resolutions than any other, it was that which, after defraying the charges on the revenue, allowed the remainder to be employed in the company's investments. He could not but consider this as affecting, in the strongest manner, the opening of the commerce of India to the company. This, it was said, was necessary for the purpose of making remittances. But if the company should remit in this manner a million of their territorial revenue at a loss of 100,000*l.* they would still have a residue of 900,000*l.* No merchant, however, could carry on trade on such a principle. It was no longer, therefore, to be wondered at that the company should go on carrying on a trade with a loss, because the purpose for which they made their investments was answered, though they traded with a loss. This plan of direct opposition no unaided competitors could possibly resist, the one must infallibly destroy the other. For years and years, this export trade from India had been carried on at a loss, for no other reason but because the principle on which they carried it on led them to carry it on with loss when they could not do it with profit. If this part of the system be necessary, let it be continued; but in doing so, they would make it impossible for the merchants of this country to enter into any competition with the India company. If it could be shown that, notwithstanding this disparity, foreign merchants had been able to carry on trade, the reason was obvious, and it was because the company were the subjects of a nation which was at war with the greatest part of Europe. He put it to them again, what sort of competition could possibly exist along with the investment system, which gave the company a power to contract political debt for the sake of the investments, whilst it was to be expected that those merchants who were the competitors of the company would be met, not with a fair rivalry, but with a series of operations calculated, when the question should again come to be agitated, to diffuse a belief that the experiment of a free trade had been tried, and had completely

failed. The noble Lord asked what advantage could be expected by private merchants in competition with the India company, who stated, and stated it boastingly, that they bought goods in this country to sell them at a loss in India? And who sustained that loss? Why the public treasury, which would continue to sustain it while the same system was suffered to continue. What chance of profit then could any private merchants have in competition with a corporation so circumstanced? Here the noble Lord took a view of the disadvantages inevitably resulting from a combination of the political and commercial power of the company. That the separation of these powers was desirable he had no doubt, and that such separation was practicable he had no doubt also. He would venture to throw out, for the consideration of his Majesty's ministers, the difficulties attending this connection, especially the necessity of preventing the territorial revenue of India from being paid in investments. Instead of such investments, he thought that the public treasury in India should be separated from the counting house, and should make its remittances in bills; that is, that the company should remit in the same manner, and be placed on the same footing, as his Majesty's ministers; for instance, if they were about to send a subsidy to Hamburgh or Sweden. The prevention of the payment of the territorial revenue in kind, he felt to be essentially necessary to humanity and justice; because while such a mode of payment was tolerated, it would be quite impossible to guard against the most grinding oppression in its collection from the people, were the government administered by angels. In what the House had heard from his noble friend who brought forward the motion, he fully concurred, namely, the difficulty resulting from the advance of capital to the manufacturers in India, to enable them to carry on their own trade—to manufacture their produce. This difficulty he hoped ministers would deliberately consider; and if ministers did not take this and other important points connected with this great question into their most serious consideration, he trusted that Parliament would attend to them. Upon the whole, he retained the same opinion as to this subject which he expressed and acted upon in the year 1784, and particularly respecting the patronage of India. He then thought that this patronage should not be vested in ministers, or any political party in England, because such an arrangement would do

irretrievable mischief to the constitution of the country. But it did not follow, therefore, that he would consent to have such patronage granted to the India company. No, he would have it placed where it had remained so long, namely, in a most responsible public servant abroad, by whom it must be confessed that it had been exercised for the last 30 years, without any view to political parties at home. As to the general system then in India, respecting the promotion of cadets, writers, and the usual routine of advancement in the civil service, he would leave it untouched; but he strongly objected to the established mode of selecting young men to be sent out to India for those various departments. These youths ought, in his opinion, to be chosen from among the sons of officers slain in battle, and from those who had acquired meritorious distinction at our several public schools. Thus the operation of partiality and undue influence would be best provided against, while the interests of valour, morality, and religion, would be best promoted. Adverting to the proposed exclusion of private merchants from the China trade, the noble Lord expressed his inability to understand any ground of public policy, upon which such a proposition could be vindicated. The India company confessedly lost four millions annually upon the trade to India, and it was alleged that it must be a losing trade to others. Yet, because the China trade was profitable, it was meant to shut out the British merchant from a participation of it. Upon this point he begged the House to weigh well the impressive appeal of the noble mover, and consider whether British merchants should be excluded from the China trade, while foreigners were admitted to it; while, indeed, they could not be excluded, and while they were in successful competition with the India company. The admission of the Americans to the trade of India, by the treaty with America, had been animadverted on in discussions elsewhere. But that treaty he signed with the concurrence of Lord Melville, after a consultation with the directors, upon principles which he should be ever ready to justify, because he never wished to govern India as a colony to be sacrificed to the interests of the parent country, but to invite all foreigners to the support of its commerce; to allow it, in fact, the enjoyment of all the rights of the most perfect free trade. This system he felt it incumbent upon him to maintain, because it was most conducive to the prosperity of India, and because the ad-

vancement of that prosperity he deemed the performance of a moral duty on the part of a British minister. On these grounds, therefore, were peace restored, he should be again an advocate for the admission of Americans and other foreigners to a participation of the trade to India. With regard to what had been urged respecting the importation of tea into this country, or the confinement of that importation to the India company, he felt satisfied that it would be quite impossible to secure the company from such monopoly by preventing that importation by private traders, under the proposed plan; for in spite of the vigilance of all our police, depôts of tea would be established in our own islands in the Indian seas, from which it would be brought, at convenient times, nearer home. But in time of peace these depôts would abound on the opposite coast, from which the article could be introduced into our own country. Thus the India company would be undersold, and thus also it would be deprived of the benefit proposed to be conferred upon it by the projected exclusion of British from the China trade. This smuggling of tea was naturally to be apprehended from the high tax to which the article was subject, and such smuggling was likely to continue under any circumstances, unless that tax were reduced, which reduction he forcibly recommended (paradoxical as it might seem) with a view to benefit our revenue, particularly combining such reduction with the opening of the China trade to British merchants. A moderate duty, indeed, upon tea, would obviously be preferable, with a view to revenue, to the present system of collecting the tax from the India company. The command of the Indian army by the company could not, he felt, be withdrawn from that company, so long as it retained the political government of India; but this very command formed an additional argument against the connection of a great political with a commercial government. There was also a natural competition between the king's and the company's army in India, and he could not conceive how the evil was to be cured; for the only cure suggested, namely, the introduction of officers from the regular army into commands in the company's force, was liable to many objections, some of which the regular officers themselves must feel, particularly upon the subject of promotion and fame, compared to the advantages belonging to the regular army. It struck him that a peculiar system of mixed education should be established to prepare officers for

the India army. Here the noble Lord animadverted upon the systems of education adopted by the India company in this country and in India. Here they separated boys from all those connections which were calculated to encourage and promote the object which ought to be attended to—which might enable them to carry out to India the true British spirit that must attach them to their country—that would dispose them to maintain its interests and glory. On the contrary, the view of the directors appeared to be to pursue a course directly the reverse of that followed at all our great public schools, by withdrawing these boys from the society of their countrymen, to convert them, as it seemed, into a sort of separate cast: for such was the mischievous system of the establishment at Hertford, which ought to be extinguished. But the system pursued by the company in the college of Calcutta was equally objectionable. The ends to which the institution was convertible were quite defeated by a miserable spirit of parsimony. For the company, which derived a revenue of seven millions annually from India, refused to afford the necessary means for training up men in the science of governing that territory. For himself, he could not help declaring his suspicion as to the passive conduct of the board of controul upon that refusal. The noble Lord concluded with apologising for the time he had occupied in expressing the doubts and difficulties he felt upon this important question, which doubts and difficulties he had expressed without any personal motive, for indeed it was impossible that he should feel any, especially with regard to the public body more immediately alluded to in the discussion.

The Earl of Liverpool bore testimony to the candid manner in which the noble Baron had treated the subject, his object obviously being to bring the question fairly and dispassionately under the consideration of the House, without any partiality or party feeling. For himself and his colleagues, the noble Earl declared their readiness to attend to any suggestion thrown out by the noble Baron or by others, which might be calculated either to farther their own plan, or to show its deficiency. Their main object was to promote the happiness of the people of India, and he was proud to feel that no people were governed with more judgment than they had been for the last 30 years. With regard to that people, the colonial system, which was notoriously founded upon a principle of monopoly, had

long ceased. Indeed that system had ceased generally, a new era having arisen in the world. Then, as the colonial principle could not be maintained, as foreigners could not be excluded from the commerce of this extensive territory, could there long exist a doubt in any unbiassed mind as to the general admission of our own merchants to a participation of that commerce? Yet upon this point a question had arisen. With respect to the assertion of the noble mover, that the trade of individual merchants could not be carried on at all under the proposed restrictions, and that of the noble Baron, that such trade must be quite a losing pursuit, while the company combined the political with the commercial character; the noble Earl answered both by referring to the documents on the table, from which it appeared that the exports from India, within a certain year, by British private traders, were nearly equal to that of the India company, and the exports of the American traders bore a greater proportion still to those of the company, while a participation of this trade by any but the company was subject to still greater disadvantages than those deprecated by these two noble Lords. He should not consider the system as complete, unless not merely the intercourse between India and this country was opened, but also between India and the whole of Asia, Africa, and America, that the British merchants might avail themselves of every advantages to be derived from this extended intercourse. With respect to South America, it was peculiarly desirable that some arrangement of this nature might be made. The present was a precious, golden opportunity; by seizing it, advantages might be gained, which, if not now made, our own might altogether, at a future period, elude our grasp. It was quite impossible to believe that an advantageous trade could not be carried on under these circumstances by our merchants. With respect to the China trade, he was prepared to maintain the expediency of excepting it from the proposed arrangement; it was now carried on advantageously by the East India company, and a revenue was securely derived from it. There were, besides, many circumstances to render it inexpedient to open the trade to China. It was better to retain a certain advantageous trade, and a certain revenue, than to exchange it for an uncertainty. As to the objection that smuggling of tea would take place to a great amount if the India trade were thrown open to the out-ports, and the reference made to 1784 and 1785, the

fact was, that at that period, when the monopoly was strictly maintained, the smuggling was carried on in the river Thames; and it would be there, from the great facilities afforded, that the smuggling would be carried on, and not at the out-ports. Besides, the East India company had agreed to an open export from the out-ports, and an open import to the port of London; and he defied any man to point out any inconvenience that could arise from opening the imports to the out-ports, that would not also arise from opening the exports to them, and the imports to the port of London. The fact was, that the high duty upon tea afforded a great temptation to smuggling, and at a peace it would become inexpedient for that reason to keep up that high duty. His Lordship concluded by expressing generally his firm and decided conviction of the advantages which would result from opening the India trade to the out-ports.

The motion was put and negatived.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, APRIL 9.

Sir W. Scott moved for, and obtained leave to bring in a bill for the better regulation of ecclesiastical courts in England, and for the more easy recovery of church-rates and tithes. The right honourable gentleman prefaced his motion with a few general observations on the state of these courts, on their history, and on the inconveniences which existed in their constitution. The object of his bill (which is the same lost by the late dissolution of Parliament) was, to abolish excommunication generally, not only as a mean process, but as an ultimate sentence, except in cases of great offence. In these, he held that it would be impossible to do away with this power in the ecclesiastical courts, as every church must have the ability to exclude unworthy members from among them; and there were crimes (incest, for example) which were not amenable to the common laws, and so destructive to society that there must be a punishment of force enough to repress them. Another object of his bill would be, to lessen the number of minor courts which had the power of excommunicating; and lastly, to devise a more easy manner for the recovery of church-rates and tithes, the present mode of recovering

small sums being oppressive, from the magnitude of the expense incurred.

After a few words from Mr. D. Giddy, leave was given, and the bill brought in and read a first time. It was ordered to be printed, and to be read a second time on the 28th.

The House went into a committee on the Punishment for High Treason Bill, in which considerable discussion ensued, respecting the mode of carrying the sentence of beheading and quartering the criminals into execution. On the motion for the report being received on Monday,

Mr. Frankland opposed the general principle of the bill, as making a distinction in favour of the high crime of treason and unsettling the public opinion on the subject. He concluded with moving an amendment, that the report be received this day six months.

Sir S. Romilly replied to the arguments of preceding speakers; and said, if his bills were lost now, he would bring them in again next session.

The House then divided,

For the original motion	60
For the amendment	75
Majority against the bill	15

Adjourned.

HOUSE OF LORDS.

MONDAY, APRIL 12.

FINANCES OF THE COUNTRY.

The Earl of Liverpool, on moving the second reading of the national debt bill, observed, that if it could be proved that this measure was a violation of the public faith to the public creditor, he would agree that such an objection ought to be fatal to its progress. He, however, was on the contrary satisfied that there was not the slightest ground for any objection of this nature. His Lordship then took a brief historical review of the establishment and progress of the sinking fund, contending that both in the view of Parliament and of the illustrious author of that measure, the late Mr. Pitt, and also in that of the stockholder and the public creditor, the principle alone was recognised that the debt

should be repaid within 45 years, from the time of the sinking fund attaining to 4,000,000*l.* or from the time of the contraction of each debt, but that the mode of payment remained at the discretion of Parliament according to circumstances. Had it been otherwise, the stock created in each year would have formed a separate fund, and bore a separate price. Undoubtedly a contractor for a loan in any year might have made it a part of his bargain, that the sum advanced should be made a separate fund; but this had never been done, as the stock so created would have been less marketable than when united to the general stock; and the fact was, that the whole of the stock created in each year had formed one mass, so as to render it impracticable to distinguish that created in any given year. The stockholder had never looked to any other security for repayment than the redemption of his stock within 45 years, without any reference to the precise mode in which that redemption should be effected. His Lordship quoted and dwelt upon the provisions of the acts of 1792 and 1802, for the purpose of enforcing this argument, and to prove that such had been constantly the view of the subject, and the opinion entertained by Parliament, by Mr. Pitt, and by the stockholder; and therefore, that the present bill did not in the slightest degree violate the public faith, or in the least trench upon the security of the public creditor. With respect to the objection, that the consequence of this measure would be an increasing debt, and a decreasing sinking fund, he observed, that under this measure the sinking fund would never be diminished below 11,000,000*l.* nor would at any time be much less than 12,000,000*l.* and that the proportion it would bear to the whole debt would be larger than in any year the sinking fund had borne to the debt. The sinking fund, under this measure, would amount to 61¼ of the whole debt, whilst in the year 1807 the sinking fund bore only the proportion to the debt of 64½. As to the objection on the ground of time, he maintained that it was universally admitted, that at some time or other the sinking fund must be subject to regulation. To allow it to reach that period, when it would become necessary to repeal 19 or 20 millions of taxes in one year, would give a ruinous shock to the commerce and industry of the country, the consequences of which were dreadful to contemplate. The question therefore was, whether this was not a proper time? and he was prepared to maintain, that at no time

could circumstances render it more proper to resort to this measure than the present moment. What had we effected during the last ten years of war? We had raised 20 millions of taxes, by which we had prevented a debt of 200 millions from being thrown upon posterity. In no country at any time had such an effort been made. Now, therefore, was the period to interpose a cessation of taxation, to refrain from imposing new burdens upon the people, and to avail ourselves of the resources which were within our power. By the proposed plan the war might be carried on, on its present extensive and expensive scale for four years, without any additional taxes. In the course of that four years many events might happen—peace might take place (but upon that he did not wish their Lordships to calculate)—the war might be carried on on a reduced scale of expense, in which latter case, under the proposed plan, it might be carried on for a still greater number of years without additional taxes. But, at all events, upon the present scale of expense, the war might be carried on for four years without any additional taxes, and with the improvements in the revenue, which the interval would naturally suggest, the war might be carried on upon the present system for six years, without any additional taxes. Here then was a positive advantage, without in the least trenching upon the security of the public creditor. Most gratifying was it to reflect upon the present situation of the country. After ten years of a war unexampled in its circumstances, unexampled in the efforts we had made, we had 19,000,000*l.* of war taxes unmortgaged, and a sinking fund of 13 or 14,000,000*l.* What must be the effect throughout Europe of this flourishing state of our finances, coupled with the ability to carry on the war, on its present scale of expense, for four years certainly, and probably for six years, without additional taxes. No period could be more favourable than the present moment to resort to this measure. What events might arise in Europe from the present situation of affairs, it was impossible for him to foretel; but from the great efforts and glorious successes of Russia this great result had arisen, namely, the destruction of what was called the continental system. That system it was impossible for Bonaparte again to establish, Russia having at all events secured her own independence. Here then was a great opening for the commerce and the industry of the country; and to give them scope to expand, without the pressure of any additional

burdens, was one great advantage of the present measure. His Lordship concluded by moving the second reading of the bill.

The Marquis of Lansdowne, in addition to the reluctance he always felt to obtrude himself on their Lordships, and that which arose from the sincere regard and respect he felt for the noble Lord and the right honourable gentleman who were the authors of this plan, felt also a reluctance in opposing, or at least in stating, objections to a plan, the object of which was to prevent the necessity of imposing new burdens upon the people. Still, however, he felt it a duty he owed to the consideration of public faith, as pledged to the public creditor, to state those objections which he had to this measure, as arising out of that view of the subject. He was disposed to agree in every praise to the institution of the sinking fund, and to Mr. Pitt for the establishment of it; but the more he considered the manner in which the sinking fund had been pledged to the public creditor, the more he was impelled to object to this measure. It was not, he contended, by a liberal construction of acts of Parliament, that this bill could be supported, but the great object was to take care that the security of the public creditor was substantially maintained. That security was two-fold, the positive security for the repayment, and the implied pledge that the commodity of the freeholder should be bought in the market regularly and progressively by the men sent into the market for that purpose by government. With respect to the amount of the sinking fund, as compared with that of the debt, the noble Lord had said that it would be, after this measure, larger in proportion than it had been in any preceding year; but the noble Earl had omitted to state, that during the four years, the debt would be increasing at the rate of 28,000,000*l.* per annum, by which the proportion of the sinking fund to the debt argued upon by the noble Earl would be completely destroyed. Thus, therefore, he contended the security of the public creditor was materially affected by the present measure. Could it be considered as the same thing, or as consistent with the implied security given to the public creditor, that his debt being to be redeemed within a given period, a lesser sum was to be applied to that redemption at one part of the period, and a larger sum at another. Was it not, on the contrary, the very spirit of that implied contract, that the sum to be applied to the redemption should be applied

progressively, and in a certain fixed and regular proportion? In this view of the subject, his objection was, that this measure took away from that implied security of the public creditor, and by decreasing the regular progressive redemption of his debt, rendered his commodity of less value in the market. He then proceeded to the consideration of the plan proposed, referring to the statement (that of the chancellor of the exchequer) which had been put into his and their Lordships' hands. From that statement the argument divided itself into two parts. The first relating to the right which the public had of laying its hands on the sinking fund; and the second, to the expediency of putting that right into execution. He then made a few observations on part of the statement alluded to, particularly that part where it was said, that the debt created in 1786 was discharged by the sinking fund of 1792. The noble Earl (Liverpool) next, in his speech, adverted to the act of 1792, and he must, for himself, say, that he was always ready to give to that act his entire approbation. The noble Lord had said, that no possessor of a loan ever considered the one per cents. as attached to that loan only in which he was concerned: they had been attached to the loans ever since the act of 1792. The act of 1802 did not disturb the expectations of the public creditor, but the present measure was likely to do so. It was not now right to transfer the one per cents. to the sinking fund of 1786; they ought to be left to accumulate, instead of being applied, as was now proposed. When considering the advantages alleged to be derived from the more equable distribution of the sinking fund, Lord Lansdowne alluded to some observations that had been made on certain remarks of his own, in another place, when stating his plan of finance. The part to which he particularly alluded, was that in which he offered some observations on the prospect of a too great accumulation of the sinking fund, and its probable consequences on the price of commodities and on public credit. At that time his views were treated with little respect, by those who were not unwilling to adopt them at present; for the ministry had come round to that view of the subject, and had indeed been in too great a hurry to guard against that prospective inconvenience, which, when he alluded to it formerly, they could not then at all foresee. That great accumulation, to which he had pointed, as likely to occur, at one time or other, they seemed now to

foresee as probable within the short space of 20 years. In the statement it was said, that the sinking fund should not be allowed to accumulate too long, nor be too much diminished. But were the noble Lords opposite now ready to say and maintain, that it had already accumulated too much? If not, the argument in the statement was worth little. The noble Lord opposite had alluded to the great increase of resources for carrying on the war, with which this plan was said to be pregnant. The argument on this point went to say, the more we get into debt at present, the more we extend our loans, the better shall we be able hereafter to support our war expenses, and to pay our taxes, and the more rich shall we grow. It was a most fallacious expectation to be held out for the delusion of the country. The third advantage which, it was contended, would result from the adoption of this plan, was the relief which it was meant to afford from additional taxes. This, he suspected, was the only advantage which administration expected from this new plan of finance. Yet they confess, even should it be adopted, that they must have 800,000*l.* additional taxes this year, and more new taxes after the expiration of three years. He thought they were proceeding in a wrong course. Did it not follow, from the principles of political economy, that the withdrawing from the market a portion of the sinking fund would tend to increase the value and the price of that part which remained; so that when they went hereafter to purchase it at the market, it would be found dearer? Such a plan could not, therefore, be advisable. After stating then the proportion between the sinking fund and the national debt, at present, and what it would be in a few years, both on the principles of the old and the new plan, he said, that we ought rather to bear our own burthens than transfer them on our posterity; and that it was very unwise, under the prospect of accumulating debts and burthens, to cut off the remedy for its diminution. It would, perhaps, be better to delay the execution of such a plan till a time of peace. He apologised for trespassing so long on their Lordships' attention; but he thought it his duty to state a few observations even on this difficult subject.

Lord Lauderdale said, that he could not agree, either with the noble Lord opposite, or with his noble friend behind him. He looked upon the sinking fund as an inefficient engine in times of peace, and as an unfortunate one

in times of war. He then bestowed very high praise on a work by Dr. Hamilton, on subjects of finance, which would afford much new and important light to all those who would direct their attention to subjects of this nature. He not only differed from the noble Lord opposite and his noble friend on the general principle, but also on the points discussed this night. From the details given by the noble Earl, he did not think the measure in conformity with the principles of the acts of 1786, 1792, or 1802. But he thought that the government, on account of the unprecedented demands of the times, were called upon now to make use of the sinking fund. Though in this respect he agreed with the noble Earl, yet there were others in which he coincided with his noble friend behind him. There was a fallacy in saying that this plan was calculated to give relief to the public. The commissioners of the sinking fund, or indeed of any sinking fund, could never have sixpence that was not taken out of the pockets of the people. The noble Lord, after stating some instances in which the principle insisted upon by the advocates for the sacredness of the sinking fund of 1792 had been departed from by Mr. Pitt, and by others, proceeded to point out how much preferable to the proposition before the House, it would be to allow the commissioners for the redemption of the national debt, to sell out 28 millions of stock, and pay the produce to the minister, which would be a saving to the public of the *bonus* upon the loan. But although disapproving of the minister's plan, and conceiving it adverse to the principles of the existing laws upon the subject of the sinking fund, yet he would contend that it involved no breach of faith to the public creditor; the sinking fund being a regulation for the public good, without any reference to the interest of the public creditor. In fact, it appeared to be so regarded by the public creditor himself; for what consideration had any public creditor given or shown for this fund since the year 92? None whatever, and this proposition the noble Lord illustrated by referring to the comparative interest upon the 3 per cents. in which loans are usually contracted, and the 5 per cents. in which navy bills are usually funded. From this difference he argued in support of his opinion, as to any claim of right to the sinking fund, on the part of the public creditor. No minister would therefore, in his judgment, have done his duty who should decline to render that fund subservient to

the public service, and he could not help expressing his surprise at the grounds upon which a different course was recommended, particularly considering the quarter from which the recommendation proceeded. For he found in a publication from a gentleman of some eminence (alluding, as we understood, to Mr. Huskisson), who agreed with him (Lord Lauderdale) on certain main principles, a suggestion rather to increase the war taxes than thus to touch the sinking fund. Really, one could hardly read without astonishment such a proposition from this author, who had for some time maintained that the source of permanent taxation was dried up; and how then, consistently, could he urge an augmentation of the war taxes, for the source of both was pretty nearly the same? But still further, how could that gentleman advise an increase of taxes, who with him (Lord Lauderdale) asserted the depreciation of bank paper, which depreciation was chiefly attributable to the amount of our taxes? Had the proposition of the honourable author proceeded from ministers, who held a different doctrine, it would not have in his mind excited so much astonishment. But did the honourable author consider, that since the year 1806, before any material depreciation of bank notes took place, 144 millions had been added to our public debt; that in 1806 the amount of the permanent taxes, deducting the charge of management, &c. was about 26 millions, while in the present year it reached 34 millions? So that taking into view the depreciation of paper by the comparative value of gold at these two periods, it would appear that about the same amount or value of standard gold, namely, about 25 millions, would reach the public treasury within the present year, as had been received by it in 1806, or indeed rather less, although since 1806, 144 millions had been added to our public debt. To make up this extraordinary disproportion, the noble Lord maintained, that looking to the depreciation of that paper which was now our circulating medium, it would be necessary to add no less than nine millions annually to the permanent taxes, and an equal sum also to the war taxes. Yet such were the circumstances under which an asserter of the depreciation of paper pressed the propriety of an increase of taxes, rather than to touch the sinking fund; and in truth, having himself always endeavoured to adhere to consistency, he could not applaud such conduct in any man. He (Lord Lauderdale) had never been in office, and could

not tell the general course of study generally pursued by persons in that situation; but really from the specimens he had seen, he could not forbear from advising official men, whatever they might speak, not to be very fond of publishing. (*a laugh.*) In the publication already referred to, he met many passages to excite his astonishment, as he thought they must that of every reader not absolutely ignorant of the principles of political economy and the financial history of this country. For instance, the honourable author alleged, that there had never been any effectual sinking fund in this country until that created by Mr. Pitt. Now, according to his idea, and he apprehended the idea of most rational men, that system was most effectual which operated most to diminish our debt, at least in time of peace; and he stated the proportion in which our public debt was reduced during the several periods of peace which followed the treaties of Ryswich, Utrecht, Aix-la-Chapelle, Paris, and Versailles, to show the efficacy of former systems, which efficacy would enable men to judge of the honourable author's accuracy. But again, the honourable author ventured upon another allegation, which was still more surprising—namely, that from the peace of Utrecht to the commencement of the American war, the total reduction of our public debt did not exceed eight millions; whereas it could be shown, upon the best information and most authentic documents, that that reduction amounted to 23 millions.—The noble Lord, after declaring that he was one of those who held all plans of finance very cheap, the only plan truly and permanently effectual in his judgment being a plan of general unqualified public economy, proceeded to animadvert upon the conduct of ministers as to their mode of introducing this measure. They ought, in his opinion, to have done that which he believed Mr. Pitt would have done, namely, to have brought before Parliament a full and complete discussion of the financial state of the country, before they submitted an arrangement of such importance. The noble Lord concluded with remarking upon some clauses in the bill, which he said he should take another opportunity of more fully noticing.

Lord Sidmouth deprecated the doctrine of the noble Earl who spoke last, that the public creditor had no lien upon the funds, from which he (Lord Sidmouth) maintained there was a solemn contract binding the public to pay that creditor within 45 years from the period at which he had

advanced his money for the public use. The contrary, indeed, of what the noble Earl asserted, was implied in the several engagements entered into with public creditors, in the several statutes applicable to the subject; and such had been the uniform understanding of all public men with whom he had ever communicated upon the matter, and particularly of all those whom he had known to have any share in his Majesty's councils. The noble Viscount then went into an explanation of the act of 1802, the effect of which was calculated to accelerate the redemption of the debt existing previous to 1786. He afterwards stated the reasons which had induced him, in 1802, to make the alterations with respect to the sinking fund, which then took place. The sum of 56 millions was charged on the income tax by the acts of 1798, 1799, and 1800. If the war had continued for 45 years, there would have been no responsible fund for the liquidation of that debt. He next proceeded to defend the proposed measure. He asked them, whether it would not be more just to the national creditor to take the measure now, than after difficulties should occur? Without underrating the resources of the country, he would put it to them, if the difference in the amount of taxes to be imposed between the proposed plan, and the existing system, was not a most important consideration with regard to the best interests of the country? The fortitude and patience of the country would be put to the severest trial, if the existing system should be longer continued. He had yet seen no other plan by which we might be enabled to carry on our present exertions, the necessity of which all were agreed on.

Adjourned.

HOUSE OF COMMONS.

MONDAY, APRIL 12.

EAST INDIA AFFAIRS.

The House, on the motion of *Lord Castlereagh*, resolved itself into a committee on the affairs of the East India company.

Colonel Monroe was called and examined. He concurred with the majority of the witnesses who had been pre-

viously examined, as to the dangers which would result from the influx of strangers into our Indian territories. He gave it as his opinion, that the consumption of European commodities would not be increased by the free trade, as the smallness of the present consumption did not depend on the high price of the articles alone, but on the habits and prejudices of the natives, and the excellence of their own manufactures. In England the consumption of Indian goods was general, and proportioned to the means of the individuals; but in India, the rich Hindoo did not consume more European commodities than his poor neighbour. The Indian needed no goods for the furnishing of his table or his dwelling; he ate on the ground, and alone; and his whole table service, if that term could be used, consisted of a bason and earthen plate, and his dwelling a small quadrangular hut of mud walls, open in the middle, and daily sprinkled with water. If the native had any furniture, it would be necessary for him to build a house to keep it in. The price of labour in the places he was acquainted with (the coasts of Coromandel and Malabar and Mysore) was, on a high average (as far as he could recollect), five shillings per month; and from statistical tables drawn up by intelligent natives, in a population of two millions, the expenditure was per ann. of one class, amounting to one-fourth of the whole, 40*s.* per head; of the second class, amounting to one-half of the whole population, 27*s.* per head; and of the third class, containing the lower classes, about 18*s.* He did not think there would be any chance of increased consumption of woollens in India, as the natives had them already of their own manufacture, and at a much cheaper rate than any thing which could be furnished from England. The piece commonly used by the natives was coarse as it came from the loom, six or seven feet in length, and four or five feet in breadth. This piece they made use of in the manner of a Highland plaid, to shelter themselves, and lie down on—it might be purchased for 18*d.* or 2*s.* Another kind of pieces, of finer texture, and 10 feet in length by six or seven in breadth, might be bought at 12*s.* or 15*s.* each. This was the price in Mysore—in some places the price was lower—in others higher.

COMMITTEE OF SUPPLY.

The House then went into a committee of supply.

Lord Castlereagh, after a few words, in which he ex-

pressed his belief that the vote would not be opposed, its policy having been established by former precedents, moved a resolution for the grant of the sum of two millions sterling, to enable his Majesty to continue in his pay a body of Portuguese troops, and to give such aid to the government of Portugal as the nature of the contest with France might require. It was agreed to *nem. con.*

His Lordship next moved, that the sum of 400,000*l.* be granted to his Majesty, to make good the stipulations in the treaty with the King of Sicily. He said that he believed that this proposal would receive a similar assent to the former, as regulations had been adopted, which rendered it less objectionable than ever; it would be, besides, an unwarrantable breach of faith in the British nation not to fulfil the stipulations of a solemn treaty.

Mr. Whitbread inquired what were the regulations to which the noble Lord alluded?

Lord Castlereagh replied, that as a copy of the treaty had been delivered to all members, he presumed that the House was acquainted with its provisions. By one of its clauses it was provided, that about two-thirds of the sum now to be voted should be applied to the maintenance of a corps of troops, not only to be employed in Sicily, but in any part of the Mediterranean, for the support of the common cause.

Mr. Whitbread inquired whether the internal regulations adopted on the interference of the British authorities, were likely to prove beneficial?

Lord Castlereagh answered, that as far as they had yet proceeded, they seemed likely to be extremely advantageous, and calculated to promote the happiness of the people of Sicily.

IRISH BUDGET.

Mr. Fitzgerald rose to move various resolutions for the grant of money for the service of Ireland. He did not think that much opposition would be shown, particularly as an honourable baronet was unable to attend, whose sentiments on the subject would be given when the report was brought up. The amount of supply for the different departments for the present year, in a few instances only, which he would state, exceeded the sums voted for the last. The first resolution he moved was for the grant of 32,965*l.* Irish currency, for the board of public works. This vote

was more than that of the preceding year by 2936*l.* expended on the chapel and in widening the entrance into the Castle-yard.

Mr. Bankes inquired whether the accounts of this department had been audited?

Mr. Fitzgerald replied, that he was ignorant upon that point: he believed that they had been audited.

Mr. Wynne protested against expending upon insignificant objects a single guinea more than was necessary.

Mr. Peele said that such a principle had been attended to; and he quoted the votes of the years 1806-7 to prove the fact. The sum of 23,000*l.* was then voted for stationary for the public offices.

Mr. Fitzgerald then proposed a vote of 10,500*l.* for publishing the proclamations in Ireland.

Sir H. Parnell objected to the vote, on the ground that the end would be answered by publishing them in the Dublin Gazette, and because the sum was actually applied to the corruption of the public press; it being distributed to the papers in the interest of the Irish government. This latter circumstance was so well known, that it was a stigma on a paper to admit a proclamation. He had seen a paper concerning the management of a particular paper, in which 1200*l.* per annum, received out of this annual vote, was stated as part of the profits. The attacks on the catholics, by the papers in the interest of government, had, more than any thing, contributed to the irritation of the minds of the members of that body.

Mr. Fitzgerald said, the same sum had been voted ever since the union. It was false, if it were intended to state that the government encouraged vituperation of the catholic body; neither was the assertion justifiable that the sum was made use of to bribe the newspapers. The Gazette of Dublin being very limited in its circulation, was insufficient to give publicity to the proclamations where outrages were so frequent.

Mr. Whitbread observed, that his honourable friend (Sir H. Parnell) had not said that papers were hired to attack the catholics, but that it happened unfortunately that the papers so patronised by government did so attack them. The vote in question answered the end of counteracting the proclamations, as they would otherwise be copied from the Gazette into the public newspapers, as was the case in this country. If it were proper to send them to one paper, the

proclamations should undoubtedly be sent to all; but if they were sent to particular papers, it was in fact purchasing those papers.

Mr. Peele said, some of the papers to whom the proclamations were sent upheld the catholic claims. During the administration of the honourable baronet's friends, between 17 and 18,000*l.* had been expended in this manner.

Sir H. Parnell expressed a wish for the postponement of the motion in the absence of a right honourable baronet, who had been alluded to (Sir J. Newport).

Mr. Whitbread said, that as the papers in question were not directly under the controul of the Irish government, attacks on the catholics, which that government did not approve of, might be inserted under the idea of such a proceeding being agreeable to it.

After a few words from Messrs. Bankes and Fitzgerald,

Mr. Tierney said, that a proper proceeding to ground this vote on, would be to lay before the House the certificates of the insertions of the proclamations which were said to be taken, and the names of the papers in which the proclamations were inserted. Two hundred pounds a week seemed a large sum for advertising; for his own part, he should be willing, with all his heart and soul, to contract for advertising the usual quantity of matter for 150*l.* a week. (*a laugh*).

Mr. Peele said, the right honourable gentleman would lose by his contract.

A desultory conversation ensued between Messrs. Tierney, Whitbread, Croker, Ponsonby, G. Rose, and Sir H. Parnell, after which the vote was carried without a division.

The following sums were then voted:—10,000*l.* in lieu of the First Fruits. 50,000*l.* for the Harbour of Howth. 10,000*l.* for the Dublin Society of Arts; and 5000*l.* for the Farming Society, after a few words between Messrs. Bankes, C. W. Wynne, and Fitzgerald. 39,000*l.* to the Foundling Hospital. In proposing a vote of 9673*l.* to the College of Maynooth,

Mr. Fitzgerald said, he did not wish to mingle this with the catholic question in general. He had prepared the usual grant, with the addition of 700*l.* which had been requested by the College on account of aged professors who had taken refuge in this establishment, being, from the circumstances of the continent, exiled from the universities there. The sum necessary to provide for these professors

was 1200*l.*; 500*l.* of which was provided for by a devise of Lord Dumboyne. The vote was agreed to without opposition. 4100*l.* to the Lying-in Hospital, and several other sums, were voted.

EXCHEQUER BILLS—SINKING FUND.

Mr. Vansittart said, that he had to propose to the committee a vote to supply a sinking fund for the unfunded debt of the country at the present time outstanding. The amount of it was at present 36 millions, viz. 10 millions and a half annually renewed for the last five years, five millions on a similar footing; seven and a half millions of other exchequer bills, which, with sums advanced by the bank without interest, made up the whole amount. He should propose that there be granted to his Majesty a sum not exceeding 260 millions for the purpose specified. The vote was proposed and agreed to, and the House resumed, and the report ordered to be received to-morrow.

The Weymouth voters' bill was read a third time; after which a clause was proposed by Mr. D. Giddy, to protect tenants under devises anterior to a certain period (viz. 20 years) before the passing of the bill. The clause was committed, and added to the bill. Another clause to prevent votes held under freeholds below a given amount, was also proposed by Mr. D. Giddy, and negatived.

Mr. Ponsonby renewed his protest against the bill, after which it passed.

Adjourned.

HOUSE OF LORDS.

TUESDAY, APRIL 13.

PORTUGAL.

The order of the day having been read, the Prince Regent's most gracious message for aid to Portugal was read by the clerk at the table.

The Earl of Liverpool said, the assistance proposed to be rendered to the government of Portugal, was the same as that afforded last year, namely, 2,000,000*l.* which had been agreed to unanimously; and therefore he did not think it necessary upon the present occasion to waste their Lordships' time by entering into any discussion upon the sub-

ject. The greatest efforts had been made by the Portuguese government; and by means of the assistance rendered from this country, a force had been raised, which vied with the British army in bravery, in discipline, and in every quality that constituted the excellence of the British soldier. Under these circumstances, and convinced that the advantages that had resulted from the assistance afforded to Portugal by this country, or the expediency of continuing that aid, would not be disputed, he merely thought it necessary to to move an address in answer to his royal highness's message. His Lordship concluded by moving an address of concurrence, which was agreed to *nem. diss.* and ordered to be presented by the Lords with white staves.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, APRIL 13.

Mr. Littleton moved, that there should be laid before the House an account of the number, condition, and complement of men of the ships under the command of Vice-Admiral Sawyer, on the coast of North America, in April, 1812 —Agreed to.

Also, for an account of the ships under Admiral Stirling on the coast of Jamaica.—Agreed to.

Also, for an account of the crews of the Macedonia and Guerriere frigates, previous to their capture; and also, for an account of the crew of the Java frigate.

On the last motion a short conversation arose between Mr. Croker, Admiral Martin, Mr. Whitbread, Mr. Ponsonby, and Mr. Littleton, when an amendment was proposed by Admiral Martin and agreed to, viz. That there should be laid before the House a return from the last muster-books of the number of men on board the Java frigate, distinguishing pressed men from volunteers, and specifying the time of their being put on board, and of their sailing from this country.

EAST INDIA AFFAIRS.

Lord Castlereagh moved that the House should resolve itself into a committee to consider the affairs of the East India company. He wished, however, to suggest that the

mode in which the examination of witnesses had been hitherto carried on, often interrupted the business of the House, and that the business of the House embarrassed the proceedings of the committee. He would, therefore, propose that a select committee should be appointed to sit out of the House, and to take the depositions of witnesses. A similar step had been taken in 1791, when the examinations before the African slave trade committee were going on. He did not think any disadvantage would follow from the committee being held up-stairs, as the attendance of the House was not in general such as to promise any advantage in the result greater than would be obtained by members reading the printed accounts of the evidence. His Lordship concluded with moving, that the examination of witnesses on this question be referred to a committee to sit out of the House, and that every member who chose to attend should have a voice.

Mr. H. Thornton, on the part of the East India company, opposed the motion. He said, they had been hitherto speaking to the ear of the country, and now that they had begun to make an impression, it was proposed to put them into a corner, to lay them on the shelf, and to defeat the impression which the publicity of the evidence would make in their favour. It was not only his wish, but the wish of the directors, from whom he had just come, that the evidence should continue to be given at the bar of the House.

Mr. Bathurst could not conceive how any inconvenience could arise to the East India company from referring the evidence to a select committee. If the objection applied at all, it would apply equally to the evidence which would be given, in the course of the proceeding on the opposite side of the question. The nature of the present examination was quite different from examinations in a court of justice, where so much depended on the manner in which evidence was given. The only object at present was to collect a body of information on the subject, from competent and respectable witnesses.

Mr. Tierney thought there was as much reason for having this examination conducted at the bar of the House as any other; and if the arguments used by the noble Lord, and the honourable member who had just sat down, went to any thing, they went to this, that all examinations whatever ought to be referred to a committee up-stairs. The attend-

ance on this committee was greater than any he ever remembered, and the evidence had made an impression on the minds of many gentlemen, who he was sure would not read a bulky volume of evidence, if put into their hands. The hardship, it was said, of not having the evidence given at the bar, applied equally or still more to those who wished to establish their claim to an open trade, none of whose witnesses had yet been brought forward. He thought so too, and he would plead for those persons, if they wished to appear at the bar of the House. It was possible, however, that their evidence might be such that they would rather be desirous that it should be given in a corner, than exposed to the broad face of day. If it would not too much distract the attention of the noble Lord (Castlereagh), who he supposed *was reading some India paper (a laugh!)*, he wished to be informed whether it was his intention that the select committee should sit after this night, or not till after the holidays?

Mr. Ponsonby was of opinion that the East India company appeared in the character of defendants, that they had to maintain a possession, which it was proposed to take from them, and that therefore they had a right to the most favourable and patient hearing. He did not mean to offer the least inclination of opinion on the question itself, but the wishes of the company ought to be attended to. Their evidence, he understood, would not last more than five or six days longer; and whatever might be said about pleasure and relaxation during the holidays, he must be permitted to remind the House that they had a duty, which it was their first business to attend to.

The Chancellor of the Exchequer said, it was true the East India company were petitioners to that House; they were petitioners to have the sovereignty of 60 millions of people continued to them for 20 years longer, and to retain the exclusive monopoly of the trade of Asia. He saw not the slightest ground for resisting the motion for a select committee, where every gentleman would be able to put any questions, and to cross-examine evidence in any manner he pleased.

Mr. C. Grant, speaking on the authority of the directors of the East India company, declared that that body would think itself grievously injured if the conclusion of the evidence on their behalf were not heard at the bar.

Lord Castlereagh added, that his object was to consult

the convenience of all parties; nor did he think, that by the proposed arrangement the company would have any right to complain of severity. He could not admit, with Mr. Ponsonby, that the East India company, or any other body, ought to dictate to Parliament the mode of its proceeding; such a doctrine was most unconstitutional and dangerous, since the House was fit to judge of the steps it would take with regard to the cases of persons who appeared before it merely as petitioners asking the favour to be heard by their witnesses. With regard to the Walcheren expedition, it should be recollected, that in as much as the party passions of men were engaged in the inquiry, it was fit that the examination of evidence should be as open and public as possible, that the country might have every opportunity of deciding on a case where the heat of faction would obstruct a fair decision within the House. His Lordship contended, that if the object of the company was a full, fair, and deliberate investigation of their case, it would be attained much more completely before a select committee than at the bar.

Mr. Canning said, that he had regularly attended the sittings of the committee, with a mind perfectly open to conviction upon all points but one: he was certain from the commencement, that the right of sovereignty ought not to be taken from the East India company, after the benefits that had resulted from the exercise of their authority. He had taken some pains, as the representative of a great commercial port, to collect the opinions of those most materially interested in opposing the company; and he had ascertained that it was not their wish to have their case examined at the bar, should the House think the mode too tedious. His reason for voting for the motion of Lord Castlereagh was, that if it were not agreed to, the evidence would delay the decision to so late a period of the session, that it could not be concluded, and the interests of the company would be endangered.

Mr. Tierney observed, that if other parties were to be allowed the choice of being heard before a select committee, the company ought not to be deprived of its option of being heard before a committee of the whole House. If two whole days were applied to the subject before the holidays, the same time after the recess would, he believed, conclude the whole subject on the part of the petitioners.

A division was called for, when the numbers were,

For Lord Castlereagh's motion -	95
Against it - - - - - -	37
Majority - -	58

Colonel Monroe was called in, and underwent a long examination by Mr. Adam and Mr. Finlay. The colonel stated, that private traders were generally very obnoxious to the native population of India, in consequence of the harshness with which they demeaned themselves. Indeed, he had heard of indigo merchants having put native Indians in the stocks, and subjected them to other inflictions peculiarly abhorrent to the nature of the Indian character. In the course of his own experience in India, he had seen much to justify the prejudice which the Indians entertained against the private traders. On one occasion, when invested with command in a particular district, he was solicited by a private trader to procure him some occasional accommodation, or lodging, for a few days, which the natives refused him; but he (Colonel Monroe) thought it his duty to issue an order to the head man of a village, to grant the trader a lodging. The lodging was accordingly obtained for him, by appropriating to his use the residence of an Indian who was then absent; yet when the owner of the residence returned, the private trader refused to surrender it, although he had the benefit of the occupation for above a month. The private trader, who was a Dane, was however removed; but if he had been an Englishman, the probability was, that instead of being disturbed, the poor native would have been persecuted for venturing to require a restoration of his property. Such acts of injustice and oppression, we understood the witness to say, were never, to his knowledge, attributable to the agents of the India company, who were, therefore, much more popular among the Indian population. He said, commerce had never yet effected any alteration in the manners and habits of the native Indians.

The chairman reported progress, and obtained leave for the committee to sit again.

Mr. Lushington then moved that a select committee be appointed to examine the further evidence on Indian affairs, who should report that evidence from time to time to the House. On the question being put, it was agreed to.

Lord Castlereagh rose to move that the House continue the examination of evidence on Indian affairs to-morrow.

The Speaker observed, that as the House had already resolved that it would be expedient to continue the examination before a select committee, it could not with propriety take the step recommended by the noble Lord.

After some observations, it was at last suggested by the speaker, that to obviate this difficulty it might be proper to move, that the further consideration of the question be continued till to-morrow. This was accordingly moved and agreed to.

MAYNOOTH COLLEGE.

Mr. Ryder, in pursuance of notice, moved that there be laid before the House, the course of instruction and lectures on dogmatical and moral theology, delivered at Maynooth college during the year 1812.

The motion was objected to by Sir J. Newport, Mr. C. W. Wynne, Mr. Whitbread, General Mathew, and Mr. Abercrombie, on the ground that the return would be voluminous and useless. It was suggested that the lectures would probably be written in scholastic Latin, which it was essential for the information of the country members should be translated into English.

Mr. Whitbread urged the injustice to the professors to forestal the publication of their lectures, and the hardship of causing the lectures to appear in the state in which they were delivered, to the possible injury of the literary character of the professors.

The motion was supported by Messrs. Ryder, Peele, Fitzgerald, and Lord Dysart, on the grounds that the production was agreeable to the wishes of the professors, that such a check on the doctrines uttered was necessary, and that all disputes concerning the doctrines uttered at the college would be thus disposed of.

An amendment was proposed by Mr. Whitbread to substitute "heads of lectures" to "lectures," but it was afterwards withdrawn, and the original motion carried without a division.

REPORT OF SUPPLY

The report of the committee of supply was then brought up, and the votes of the Sicilian and Portuguese subsidies agreed to. On the vote of 30,000*l.* to the board of works in Ireland being read,

Sir John Newport said, that if the vote had come before

the House at an earlier hour of the evening, he should have opposed it. This vote was directly in contravention of the agreement respecting the Irish civil list, of which the inviolability had been so strongly urged, but which had constantly been departed from. The sum of 30,000*l.* the saving from the civil list, had been handed over to the privy purse, while this expense was defrayed by Parliament. The inviolability of this act should not be urged therefore against a reduction of the pension list.

Mr. Fitzgerald said, that in the King's letter, on which the act in question was founded, the sum in question was proposed in accordance to the usage ever since the act in question had been passed.

Mr. Bankes objected to the grant, which, after some discussion between General Mathew, Mr. Fitzgerald, and Mr. Peele, was agreed to.

On the vote for publishing proclamations being read,

Sir John Newport rose to express his sentiments on this subject, in the course of the discussion of which on a former night he had been alluded to. When he came into office in the spring of 1806, he found the estimates prepared by his predecessor, and he did not think himself to blame under those circumstances in adopting them; but supposing himself to have been misled in the instance in question, he did not think it right that any one who had adopted a measure while in office should be prevented from profiting by ulterior information. If he had been ill-advised on the occasion in question, he should nevertheless now come forward to oppose this grant, which had a pernicious influence on the Irish press. From the press of one of the papers encouraged by a share of this annual vote, the infamous fabrication against the catholics, which had excited such indignation, had issued.

General Mathew objected to the vote, on account of the influence exercised by the money thus granted over the Irish press. In one instance, when the editor of the Clonmel Herald had voted in favour of him (General Mathew) and his colleague, Mr. Prittie, in the election of 1812, the proclamations were withdrawn from that paper, and goods of the proprietor sold to satisfy the demands of the government, though the most respectable security was offered for its payment. To the Dublin Correspondent 400*l.* per annum was paid; and the Kilkenny paper having inserted some articles in favour of the people, the government desired

the proprietor to send in his quarterly account, which effectually prevented the insertion of all such articles.

Mr. Fitzgerald denied the fact concerning the Clonmel Herald. When he came into office, he found that paper, among others, a year and half in arrear for the advertisement duty, and had ordered the commissioner to secure the immediate payment. He never knew the editor was a voter for Tipperary. [Here General Mathew said across the House, "During the general election"—] If any man dared to deny what he (Mr. Fitzgerald) had stated as the fact, even the walls of Parliament should not protect him. As to what had been said by the right honourable baronet (Sir John Newport), the fact of the vote having been proposed during his administration, was, he (Mr. Fitzgerald) should have thought, a bar to his objecting to it in the present case.

General Mathew said, that it did not become him to make any remarks on the words of the right honourable gentleman (Mr. Fitzgerald). He had spoken within those walls, and he (General Mathew) should speak without them.

Lord Castlereagh said, he was persuaded his right hon. friend did not mean to wound the feelings of any one, except under the supposition of an event which had not happened, viz. that the truth of his statement had been doubted.

Mr. Fitzgerald said, that it was impossible for him to retract, unless the words which had elicited his assertion were explained.

After a few words from Lord Castlereagh and Sir H. Parnell, General Mathew said, he had stated the fact concerning the editor of the Clonmel Herald, from a letter which he had in his pocket from him, with a view to charge it on the Irish government.

The Speaker said, that in cases of this kind the path marked out was, that these members should give an assurance, on their honour, that the affair should not proceed beyond the House, and he was obliged to call on them so to do.

Mr. Fitzgerald urged the impossibility of retracting without some explanation on the other side; and on the speaker having urged submission to the law of the House, he stated that he had never said any thing which implied that he meant to pursue the affair beyond those walls.

Mr. Peele urged the honourable general to explain the

words which had been misconceived by his right honourable friend.

General Mathew alluded to the word "dare," as having drawn from him the offensive words.

Lord Castlereagh having observed that "dare" had been used merely hypothetically,

The Speaker said, that then the honourable members should give their assurance that the matter should proceed no farther.

General Mathew and Mr. Fitzgerald respectively signified their submission to the order of the House.

The vote was agreed to, as well as the remaining ones.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, APRIL 14.

Mr. Clifton, from the admiralty, presented the accounts moved for by Lord Stanhope, relative to his sailing experiments.

The Duke of Sussex, in the absence of a relation of his (probably the Duke of Gloucester), presented a petition from the missionary society, praying for leave to disseminate the Christian religion in India. To the extent of that prayer his royal highness stated, that he was prepared to support the petition. Laid on the table.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 14.

Mr. F. Lewis gave notice, that he would, on the first convenient day after the holidays, move for leave to bring in a bill to alter and amend the acts for regulating the assize of bread in and within ten miles of London.

MAYNOOTH COLLEGE.

Sir J. C. Hippisley moved, that there should be laid be-

fore the House a copy of the theological lecture delivered by professor De La Hogue, in the Roman catholic college of Maynooth. The honourable baronet paid some high compliments to the learning and zeal of the learned professor; and observed upon the information which this document would afford, on the tenets held by the catholic church.

The motion was agreed to.

TREGONY ELECTION.

The Speaker informed the House that the serjeant at arms had given him to understand that Thomas Croggan was now in his custody, in pursuance of the order of the House.

Lord Clive, in a very low tone, appeared to be desirous of moving that the prisoner should remain in the custody of the serjeant, until some further proceedings should be taken.

The Speaker observed, that, before the House proceeded any further, he thought it right to inform them, that the serjeant was not in possession of any apartments suited to any thing more than a temporary custody. The House would, therefore, see whether a person of infirm health (such as the prisoner was represented to be) would not be likely to meet better accommodation in his Majesty's gaol of Newgate.

Lord Clive then moved, "That Thomas Croggan be committed to his Majesty's gaol of Newgate."

Mr. Protheroe objected to the mode of proceeding adopted by the noble Lord, which he thought to be an unnecessary interference with the province of the committee appointed to try the merits of the Tregony election. It had stated with great force and effect, that the House should not travel out of the report of the committee appointed on such occasions.

Mr. W. Wynne said, that they were not trying a question of guilt or innocence. The only point for them to consider was, that an offence against the privileges of the House had been committed by the prisoner, and not against the act, which would be punished by a legal proceeding. If the prisoner was in an infirm state of health, that circumstance should be proved at the bar by a medical person.

Mr. C. Johnstone stated, that he knew the prisoner to be so ill as to require four keepers to take charge of him.

The motion of Lord Clive was then carried in the affirmative.

BOSTON HARBOUR BILL.

Mr Foukes moved, that the second reading of this bill should be postponed from that day till the 4th of May next.

Mr. Madocks offered several objections to the bill, and moved as an amendment, "that the bill be read a second time that day six months," which was carried and the bill lost.

No business on the 15th of any public interest in either House.

Adjourned to Tuesday, the 27th.

HOUSE OF COMMONS.

TUESDAY, APRIL 27.

ROMAN CATHOLICS.

Sir John Cox Hippisley gave notice, that it was his intention to move that a select committee be appointed to examine and report the state of the laws affecting his Majesty's Roman catholic subjects within the realm; the state and number of the Roman catholic clergy, their religious institutions, and their intercourse with the see of Rome, or other foreign jurisdiction; the state of the laws and regulations affecting his Majesty's Roman catholic subjects in the several colonies of Great Britain; the regulations of foreign states, as far as they can be substantiated by evidence, respecting the nomination, collation, or institution of the episcopal order of the Roman catholic clergy, and the regulations of their intercourse with the see of Rome. That such committee have the usual powers to call for persons, papers, and records, but to be limited by instruction of the House in their report, merely to the statement of facts appearing in evidence.—It was his intention, if this committee should be granted, to move previously for

various papers to be referred to them. He intended to bring forward his motion on the day of the call, Tuesday, the 11th day of May next.

EAST INDIA AFFAIRS.

Mr. Protheroe rose to complain of a breach of the privileges of the House. He held in his hand a paper, purporting to be an abstract of the evidence taken before a committee of the House, said to be by the editor of the debates on the East India question, and published by Black and Parry, Leadenhall Street. This was not a fair abstract—it was nothing better than a garbled statement: it was not merely advertised in the public papers, but a copy was sent to every member of Parliament. It was said on the debate, when the select committee was proposed, that many members would be tempted never to read the evidence from its length. It might be said, with equal propriety, that many members might be tempted to read the evidence in this abridged form, and then come to the decision of the question, with their minds biassed by this unfair statement. It was not, however, his intention to call the attention of the House at present to the subject; but if this unfair proceeding were attempted to be continued, he should think it his duty to call for the severest punishment which it was in the power of the House to inflict.

Mr. Tierney did not exactly see that there was any foundation in this case for a complaint of a breach of privilege. If any person should print as evidence what was never given before the House, it would be different; but he did not see how it was possible to inflict punishment for printing any thing that was contained in what was already printed by order of the House; if nothing was superadded, he could see no breach of privilege. When he said this, he knew nothing of the publication alluded to by the honourable gentleman.

Mr. Protheroe said, if it had been a fair publication, he would not have complained, but it was in the highest degree unfair and garbled. Most material parts of the evidence were left out, for the purpose of giving an unfair view of it, and giving a different turn to many parts of it. That it was done with a party view was evident, from all the squibs against the party who opposed the East India company being advertised on its covers. (*a laugh.*)

Mr. Robinson said, that the court of directors had no

participation in this, or the smallest wish to give garbled evidence to the public. When they heard of the paper in question, they endeavoured to remedy its imperfections by publishing the whole of the evidence taken before the House.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, APRIL 28.

CATHOLIC CLAIMS.

Lord Rolle presented a petition from the sheriff, noblemen, gentry, clergy, freeholders, &c. of the county of Devon, against the catholic claims, which his Lordship stated to have been agreed to, at a meeting regularly convened, after several hours' discussion, by a majority in the proportion of 20 to one.

Lord Borringdon, who came in shortly afterwards, stated that he coincided in the prayer of the petition, understanding it to be not hostile to the catholic claims, but merely praying that measures might not be adopted tending in any degree to subvert the constitution in church or state. Several gentlemen of the county thought some expressions should be used more favourable to the claims of the catholics, and a petition for that purpose was already numerously signed, and would shortly be presented to the House.

The Bishop of Exeter contended, that the petition now presented (to which he had affixed his name) was against the claims now made by the Roman catholics, although certainly expressed in moderate and temperate language.

Lord Borringdon read the petition, and maintained that its construction was the same as he had before stated.

Lord Kenyon wished to know if the petition was not considered hostile to the catholic claims, where was the necessity for a counter-petition?

Lord Borringdon stated, for the purpose of using expressions more favourable to those claims.

The Regent's Park bill was read a third time, and passed.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 28.

Mr. Rose presented a petition, signed by about 32,000 journeymen artificers, in and about London, Westminster, and the vicinity, praying that the act of the 5th of Elizabeth, for preventing any person from exercising a trade, occupation, &c. who may not have served an apprenticeship thereto of seven years, be enforced.—Ordered to lie on the table.

CAPITAL PUNISHMENTS.

On the motion of *Sir Samuel Romilly*, the return to the address to the Prince Regent, for the number of persons convicted and sentenced to capital punishment, voted some time ago, was ordered to be made forthwith.

CATHOLIC CLAIMS.

Mr. Tierney presented a petition from Tinningham, in Devon, against the catholic claims. The petition stated, that the persons in whose behalf it was presented, resided about 250 miles west of the metropolis; that they were bred up principally in the farming line, and, though they were good judges of sheep and oxen, did not profess to be much skilled in matters of state. They therefore left such subjects to that honourable House, trusting to their wisdom, that in any measure which they adopted, they would take care that no opportunity should be afforded for the introduction of the Pope or the Pretender. Mr. Tierney observed, that from the reading of this petition, the House could not fail to see in what manner petitions against the catholic claims were obtained.—Ordered to lie on the table.

THIRD THEATRE.

Lord Ossulston having moved the second reading of the bill for erecting a third regular threatre in the metropolis,

Mr. Whitbread opposed it. He conceived that the building of Drury-Lane theatre had taken away the only foundation on which the necessity of the present measure was founded. So much were the very promoters of the present measure satisfied of this fact, that the delay in the rebuilding of Drury-Lane theatre was at one time the principal reason urged by them as to the propriety, if not the necessity, for

the erection of a new theatre; and, so satisfied were they at that time that three regular theatres were not necessary, that they had actually been willing to treat for the very site on which Drury-Lane theatre was now erected. He (Mr. Whitbread) stood forward on this occasion not to protect a monopoly, but to save the existing theatres, and the very gentlemen who now sought leave to erect an additional theatre, from ruin. The House would probably be surprised to learn that there were not now two theatres only in the metropolis, but that there were actually seven theatres, three or four of them for the representation of the regular drama. In one night might be seen in London, Douglas, Richard the Third, and the Honey-Moon, all excellently acted; was this then any thing like a strict monopoly? The actors of the present day, whom the noble Lord talked of as if they were a degraded race, were, on the contrary, such as Mr. Garrick would have been content to select from, and of whom he would have been happy to be at the head. The noble Lord talked of misunderstood economy in the conduct of the Drury-Lane theatre. This he (Mr. Whitbread) denied. There was in no part of that establishment any thing like frugality or illiberality. The object in that concern had been to do justice to the proprietors, to the performers, and to the public; and without economy, that could not be done. In one night he recollected—at the Opera House the performance of the opera of Enrico; at Covent Garden Mrs. Jordan sustaining a first-rate character; and at Drury-Lane, Mr. Braham appearing in a musical piece; yet, at not one of these places was there any thing like a crowded house. This, he thought, afforded a proof that the play-going population of the metropolis was not so increased as to require an additional theatre. The honourable gentleman then proceeded to make a few remarks on the various places which report had assigned for the site of the new theatre; but he could not see that any of them were very likely to afford a large play-going population; and, in truth, he was of opinion that, considering the numbers of such a population as the City contained, that we had already a sufficient number of theatres. After making some remarks on the dimensions proposed for the new theatre, of which he could learn nothing certain, he said, much as the size of Drury-Lane theatre had been complained of, that even an hostile critic had lately allowed, in one of the public journals, that the smallest whisper may be heard there,

even in the parts most remote from the stage. Although spectacles had been much condemned, he could not think it so wrong in managers to gratify the taste of the public, even in that respect. The horses too, he said, as they were calculated to draw a crowd, had this good effect, that the managers were thereby enabled to give higher salaries to those who performed the plays of Shakspeare, and the other standard performances on our stage. If the noble Lord persisted in having the bill read a second time, he would take an early opportunity of presenting various petitions against it, and of pointing out more fully its inexpediency.

The bill was withdrawn.

WESTMINSTER IMPROVEMENT BILL.

Mr. Wharton, after making some observations relative to the new communication intended to be opened between the Regent's Park and Carlton House, said that the street was not intended to be in a straight line; the general plan was a good one, and he hoped that the House would approve of it, so far as private interests were concerned. For his own part, he had heard no good objections against it. The public utility of it also would be considerable. That part of the ground through which it was to be carried, which now belonged to the crown, was not worth more than 4500*l.* a year; and upon the new plan it would be about 32,000*l.* a year, which would be a considerable improvement of the revenue of the crown. For the execution of the plan, it was necessary that 765 houses should come down, 449 of which belonged to the crown at present. The completion of the work, it was calculated, would cost about 330,000*l.* which one of the insurance offices had already offered to advance. The amount of the interest of this sum, at 5 per cent. would be about 16,000*l.* a year, leaving a yearly surplus of 15,000*l.* which, if converted into a sinking fund, would redeem the original debt in 16 years, after which the crown would have 32,000*l.* instead of 4500*l.* a year. He then moved for leave to bring in a bill for making a more convenient communication between the north side of the metropolis, through the parish of Marybone, and Charing-Cross, and the city of Westminster.

Granted.

HOUSE OF LORDS.

THURSDAY, APRIL 29.

The Duke of Norfolk presented a petition for the Baptist missionaries. It was signed by a great number of persons, many of whom were of respectable characters, and in reputable situations: there could be, he thought, no doubt as to the purity of their motives; their wish was to be enabled to pursue their objects with respect to the promotion of Christian knowledge in India. Whether they were right or wrong in thus bringing forward their petition, he was certain of the respectability of some of their characters, and of the propriety of their motives. His grace moved that the petition be laid on the table, which was ordered accordingly.

Many other petitions on the same subject were presented.

NAVAL ADMINISTRATION.

The Earl of Darnley said, it was with great regret he had to come again, and throw himself on the indulgence of their Lordships, for a further postponement of the intended motion with respect to the conduct of the war. His principal reason for proposing the delay was, that a noble friend, who was then much indisposed, wished to take a part in the discussion, and would not be able to attend on the day for which it was fixed. His wish, therefore, was to postpone the order for summoning their Lordships for Tuesday next, until Friday the 14th of next month, when it was his determination to bring the subject forward. Under such circumstances, he trusted the House would not object to such a proceeding.

Earl Stanhope said, he should agree in the motion his noble friend was about to propose, but would beg leave to state his reason for so agreeing to it, which was, that he pledged himself to bring it forward on the day proposed. The subject was one of the greatest importance, and its discussion should admit of no further delay. On the day of its consideration, he would show to their Lordships the great degree of mischief which was likely to befal, not only this country, but Europe in general, in consequence of what was passing on the other side of the Atlantic. The considerations to which he alluded, were involved in the question to such an extent, that he pledged himself on that

day, with respect, at least, to that part of the subject, to raise that in their Lordships' minds, which would shock their hearts, and astonish their understandings! The extreme folly of the system pursued was however less, he thought, to be imputed to individuals, than a pertinacious attachment to old erroneous ideas.

The Earl of Darnley having moved, that their Lordships be summoned for Friday, May 14, it was ordered accordingly; and after the disposal of some routine business, the House adjourned.

HOUSE OF COMMONS.

THURSDAY, APRIL 29.

RELIEF TO BAKERS.

Mr. Lewis begged leave to call the attention of the House to the hardships under which the bakers in the provincial parts of the country laboured for a long series of years, in consequence of no rise having taken place in the allowance made in order to enable them to carry on their business. He was well aware of the dangers that might arise from tampering in the slightest degree with the price of provisions, which, according to a very general and long recognised opinion, should be left to itself. He was free to confess that such had been his own opinion; but he had materially altered that opinion, in consequence of more serious consideration, and more minute inquiries. The general sentiment which he had noticed, could not apply to the peculiar situation of the bakers. Whilst all other trades had been permitted to raise the price of their articles, the bakers were confined, with very few exceptions, to the old settled standard. In various towns they had not been allowed any addition for 18 or 20 years. The price of bread was fixed by the magistrate, according to the market-price of flour and corn. The laws respecting bread had been passed in 1758, with the exception of the city of London, for all England, and no material change had occurred since that period. His object was to confer, as far as it might be just and convenient, the benefits enjoyed in that respect by the city of London upon the whole of the kingdom. After some more observations, in which he

maintained the propriety of the desired change, and vindicated the justice of the claims set up by the bakers, he concluded with moving for leave to bring in a bill to alter and amend two acts, the one, the 37th of George II. and the other the 13th of his present Majesty, so far as relates to the price of bread, within ten miles of the Royal Exchange, and beyond the bills of mortality.

Leave was accordingly granted: the bill was brought in, read a first time, and ordered to be printed.

CONTESTED ELECTIONS.

Mr. C. W. Wynne, in bringing forward the motion of which he had given notice, described the inconveniences experienced from the present mode of exchanging lists in contested elections. He wished to extend the time for exchanging lists, to make in all contested county elections the exchange take place 14 days before the trial; in contested Scotch elections, 21 days before the appointment of a select committee; and in borough contested elections, 14 days before. He also wished to provide better security for the payment of the expenses of witnesses brought up to attend the committee, and for conveying them back to their own habitations. He had a second bill which he wished to bring in. The object of this was to secure the more regular conveyance of writs. To effect this, he wished the writs to be conveyed by a channel in no way interested in the result of the election about to take place. Parties might be interested in expediting the conveyance of the writs, or in withholding them, as was evident from 25 guineas having been paid in the late Weymouth election to obtain this favour. What he should propose was, that when a writ was issued, it should be sent by the messenger of the great seal to the post-office, and conveyed by the post-master to the place nearest the sheriff's office. He concluded by moving for leave to bring in a bill for altering and making more effectual the law for deciding controverted elections of members returned to serve in Parliament, and also for leave to bring in a bill to secure the more regular conveyance of election writs.

Leave was given to bring in the bills.

Adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 30.

Petitions for facilitating the introduction of Christianity into India were presented by the Duke of Montrose, the Earl of Albemarle, and many others.

APPEALS AND WRITS OF ERROR.

Lord Walsingham reported from the committee on appeals and writs of error their opinion, that it would be expedient for the House to sit at ten o'clock in the morning on Mondays, Wednesdays, and Fridays, to hear appeals and writs of error in the order in which they were set down, and to continue hearing them till a quarter before four each day, without suffering any other business to intervene.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, APRIL 30.

Mr. Cochrane presented a petition from the insolvent debtors in the Isle of Man, to be included in the intended act for the relief of that class of persons.

CATHOLIC CLAIMS.

Mr. Grattan brought up his bill for the removal of civil and military disqualifications from the Roman catholic subjects of this kingdom. The title of the bill was read. It allowed Roman catholics to sit in either House of Parliament on taking an oath therein specified, instead of the oath of supremacy, and against transubstantiation; it also allowed them to be members of any corporation, and to be officers of the King's household, with certain exceptions. Mr. Grattan moved, that the bill be read a first time, and printed—both of which were agreed to.

Mr. Canning said, that there was nothing in the bill to which he did not cordially agree. At the same time, there were other provisions not in it which he was desirous to introduce, not indeed conflicting with it, but carrying its spirit and principle still farther. It was desirable that the House should be apprised, before the discussion took place, of the

nature of the additional clauses he meant to bring forward; and as he believed it would not be quite irregular, though perhaps somewhat unusual, he wished, if it were the pleasure of the House, that these clauses should be printed, and circulated with the bill.

Sir. J. C. Hippisley earnestly wished, that a committee having been appointed, they should immediately go into an inquiry on the catholic question, and a report be printed, that the public feelings might be no longer lacerated with the different opinions of high authorities, this right reverend prelate stating one thing, and that right reverend prelate quite the contrary. There was not a bill, so much as for opening a street, or erecting a turnpike, but there was a report upon it, which was printed, and sent forth to the public at a great expense. He yielded in ardour to no man, not even to the right honourable gentleman (Mr. Grattan) on the subject of catholic emancipation, rightly understood, and rightly guarded; but he would say, that as to the simple repeal of the existing disabilities, simple would be the vote of that House in agreeing to it.

Mr. Grattan having moved a call of the House on the 11th of May, for the second reading of the bill,

The question was then put and carried, that the bill be read a second time on the 11th of May next.

Mr. Baring moved for a return of ships captured by the Americans up to the end of 1812, with the number of their men and tonnage, and also of ships recaptured. On some difficulty stated by the chancellor of the exchequer as to the mode of obtaining the information, Mr. Tierney observed, that he thought the order should be sent to the admiralty, and the account made out as far as it could be by them.—Agreed to.

Mr. W. Smith presented a petition from the ministers of dissenting congregations, praying that missionaries might be allowed to go to India to propagate Christianity among the natives; and gave notice that he should, on Wednesday the 5th of May, move for leave to bring in a bill to repeal the existing laws relating to persons abjuring the doctrine of the Trinity.

The House met on the 1st of May, but there was no business of public interest.

HOUSE OF LORDS.

MONDAY, MAY 3.

In a writ of error from the exchequer chamber, "Hearn v. Cole. Clerk," Mr. Edward Lawes was heard for the plantiff, and Mr. Abbot for the defendant in error. Judgment affirmed with 110*l.* costs.

In the course of remarking upon this cause,

The Lord Chancellor observed, upon the bringing of appeals and writs of error, merely for delay, and expressed an anxiety that it might not be understood, that the House, in ordering the new regulation for hearing causes at ten o'clock in the morning, three days a week, in the order they stood in the paper, would not also, according to their ancient custom, take any cause out of its turn, where it appeared to be brought up to the House merely for delay. Were they not to do this, the new regulation, instead of being a benefit, would be a great evil, inasmuch as it would encourage persons, merely for the purpose of delay, to bring their appeals and writs of error. He therefore wished it to be distinctly undersood, that parties, in appeals and writs of error, must be always ready to appear at the bar; and that the absence of a counsel who had signed errors, would not be deemed a sufficient excuse for not having other counsel to attend.

On the motion of the *Earl of Darnley*, an address was ordered to the Prince Regent, praying for copies of the proceedings of the court martial for the trial of the officers of his Majesty's late ship Java.

Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 3.

COMMITTEE OF WAYS AND MEANS.

The House having resolved itself into a committee of ways and means,

Mr. Vansittart rose and said, that before he submitted to the committee the resolutions which he had to propose, he should remark, that before he had ventured to propose the present resolutions, he had waited to observe what effect had been produced on the public funds by the measure of fund-

ing the 12 millions of exchequer bills under acts passed at an earlier period of the session; and he was happy to find that no fluctuation of the stocks had been produced. He had thought it advisable also to defer for some time the negociation for the loan for the current year, as events of considerable importance were expected, which, if they occurred, would throw an excessive gain into the pockets of the contractors; and if they did not occur, the disappointment would cause considerable loss to them. The recourse had to the four per cents. was justified by the circumstance, that, except for one day, no fluctuation had been produced in the price of those securities. The measure of raising money by debentures had failed; but, as he was persuaded, only from want of knowledge of the security afforded to the holders of them. He should therefore call on the committee to sanction the issue of three millions of debentures, and the issue of exchequer bills to twice the amount of the sum to be raised by debentures. It was also just that the situation of those who had subscribed for the 500,000*l.* already raised by debentures, should be considered, and he should therefore propose a resolution to the House on that subject, which would put them in the same situation with those who should subscribe to the three millions which it was now proposed to raise in the same manner. The right honourable gentleman then proposed resolutions to that effect, which were carried.

ADMIRALTY REGISTRAR'S BILL.

The House went into a committee on the admiralty registrar's bill.

Sir S. Romilly, in support of the bill, observed, that in the opinion of the late Mr. Perceval, who was a reversioner of this very office, some change in it was necessary. He was sorry to see the very little interest taken by the House in this bill, and the other which his honourable friend (Mr. H. Martin) had, so much to his own credit, brought forward, and which tended to produce so material an effect in ameliorating the administration of justice.

Mr. Rose objected to the bill, on the ground that the money in the hand of the registrar was of very trifling amount; it consisted principally in the proceeds of vessels adjudicated abroad in the vice-admiralty courts, pending appeals to the high court of admiralty here. He (Mr. Rose) had found it his duty, in 1809, to write to the King's

proctor, directing him to vest the money so transmitted in exchequer bills, for the benefit of the parties; and he understood that the money in question was so vested, or in navy five per cents. If the money were lodged in the bank, as was proposed by this measure, it would not be so accessible to suitors as it was at present.

Mr. H. Martin said, that in answer to the right honourable gentleman (Mr. Rose), he should state the grounds of the present bill. Lord Arden, in his evidence, printed in the appendix to the third report of the finance committee, had acknowledged that he received 7000*l.* per annum from the interest of the money lodged in his hands, which formed a part of the receipts of his office, amounting in all to 30,000*l.* per annum. On this ground, in 1809, he (Mr. H. Martin) had moved for an account of the suitors' money in the hands of the registrar, distinguishing that which was applied to the registrar's own benefit. It appeared from the returns, that the money so applied to the registrar's benefit had increased from a comparatively small sum in 1791 to 179,000*l.*; in 1795 and in 1801, to 296,435*l.*; and in 1809, to 180,382*l.* If the right honourable gentleman's suggestions in his letter to the proctor had been attended to, there would have been no need for the present bill; but, according to the evidence of Mr. Jenner before the committee on sinecure offices in 1810, it appeared that the money at interest for the benefit of the registrar was, in that year, (10 years after the right honourable gentleman's letter), 207,000*l.* It appeared also, that when the money at some former time had become less than 200,000*l.* the sums of 20,000*l.* and 40,000*l.* had been successively added to raise it to that amount. There was also in the court the sum of 95,000*l.* being the proceeds of unclaimed prizes, which was very unlikely ever to make its way out of it, unless a measure were adopted, which he should propose, if the present bill passed, to give it to the chest of Greenwich Hospital. Some of this money had remained in the court since 1777. These were the grounds of the present measure, which the right honourable gentleman (he should have expected) would, from his proverbial official accuracy, have been acquainted with.

Mr. Rose said, that there was no part of this 95,000*l.* he was convinced, which might not be obtained without difficulty, on being claimed by the proprietors.

Some amendments were proposed and agreed to, when the

House resumed, and the report was ordered to be received on Friday.

APPRENTICESHIP LAWS.

Mr. Rose said, that he rose to move that the petition which he had before presented from certain artificers should be referred to a select committee. The number of persons who signed the petition was 38,000, and comprised (except weavers of silk and cotton) workmen of almost every other description. They complained of the permission given, from the present state of the laws, to persons who had not served seven years to work at their respective trades. The foundation of the apprenticeship laws was laid in the reign of Edward III. when persons were forbid to exercise more than one trade. This was repealed at the beginning of Elizabeth's reign, and during this same reign the law passed as it stood at present. The courts, when the subject came before them, were rather disposed to narrow than to enlarge the restriction. Many of the petitioners had been parties in actions on the subject, and even where they succeeded the remedy was found insufficient. He concluded by moving that the petition be referred to a select committee.

Mr. Serjeant Onslow objected generally to the narrow policy of such acts as the 5th of Elizabeth, which could only be justifiable in the infancy of our manufactures. The statute itself was intended to prevent the employment of unskilful workmen, but he had never known a single instance where the party prosecuted under it had not become an object of jealousy among his competitors, on account of his superior ability and ingenuity.

Mr. D. Giddy was of a similar opinion.

Mr. Butterworth also coincided, and stated several cases that had come within his own observation. He did not oppose the committee, because he was convinced that the determination would be in favour of the repeal of the 5th of Elizabeth.

The motion was then put and carried.

Adjourned.

TUESDAY, MAY 4.

No business of public interest in the House of Lords this day.

HOUSE OF COMMONS.

TUESDAY, MAY 4.

Sir F. Burdett gave notice, that he should move to-morrow for the production of the minutes of the court of inquiry on the conduct of Captain Phillimore.

COUNTY RECORDS.

Mr. Holme Sumner moved, that the House go into a committee on the bill for better securing county records.

Mr. Western thought that no sufficient reason had been assigned for this bill. It authorised the bench of magistrates to order the erection of buildings in every county for depositing of records, and thus went to impose a considerable addition on the county rates, which were already so heavy. The purses of the people should not be entrusted in the hands of the bench of magistrates.

Mr. Holme Sumner thought the measure was called for by the insecurity in which the county records were generally placed at present. These records were of the greatest importance to the property and character of individuals, and ought not to remain exposed to every accident in the private dwellings of the clerks of the peace.

The House then went into the committee, in which some discussion took place on several of the clauses.

Sir S. Romilly then proposed an additional clause, requiring the clerk of the peace to transmit to the office of secretary for the home department, an annual list of all offenders tried at the quarter sessions, distinguishing the acquittals and convictions. He had also to observe, that at the quarter sessions every prisoner on his acquittal was obliged to pay a fee to the clerk of the peace; and there were fees also if he pleaded not guilty. This was an evil which had been complained of for years, and it was surely enough that an innocent man should have borne the disgrace attending imprisonment and criminal charge, without also being compelled to pay a fee for an acquittal to which, in bare justice, he was entitled. With regard to the other case, he had known instances in trifling misdemeanours, where the counsel had recommended to the prisoner to plead guilty and paying the fee, as it was better to pay a fine of one shilling than a fee of five pounds on pleading not guilty. In Ireland these fees on acquittal had been

abolished, as far as related to the prisoner; but in their stead the clerks of the peace there recovered the amount of them by presentments on the county. In one year, in the county of Antrim alone, these fees amounted to no less than 150*l.*; and if the prisoner were exempted, still it must be allowed that this mode of repayment might lead to abuses and jobs. He should therefore propose that no clerk of the peace, hereafter to be appointed, shall be entitled to demand any fee on the acquittal of a prisoner, or on his pleading not guilty.

Mr. Holme Sumner approved of the principle of the clauses proposed by the honourable gentleman, but thought they would be misplaced in a bill, the object of which was only to secure the preservation of county records.

Sir S. Romilly contended, that as the bill professed to regulate the fees of clerks of the peace, the clauses in question might be introduced with the greatest propriety.

The House divided on the first clause.

Noes 45, Ayes 40.—Majority against it 5.

Another division took place on the second clause.

Noes 56, Ayes 42.—Majority against it 14.

The bill went through the committee, and the report was ordered to be received.

FOREIGN AFFAIRS.

On the bringing up of the report of the committee of ways and means,

Mr. Ponsonby rose and said, that he did not mean to throw any obstacles in the progress of any measures that ministers might deem it proper to take for raising the supplies for the public service. He had no disposition to offer any opposition of that nature, feeling as sensibly as any man, that in the present, above all other years of the war, it was most desirable to obtain the means of making great exertions. He abstained last night from making the observations he intended, as the noble Lord was absent. By the disposition of the vote of credit of three millions, he understood that 3 or 400,000*l.* had already been advanced to Sweden. On this subject, however, he could not possess equal information with his Majesty's ministers: but he learned that the minister from Denmark had withdrawn; and he heard in conversation, and saw in various publications, that the business of reconciliation with that government was not advanced; and that the state of negociations

was not favourable, from certain engagements respecting portions of the dominions of Denmark. If the situation of affairs between Great Britain and Denmark, and between Great Britain and Sweden, was such as to render it imprudent, in the noble Lord's opinion, to make any express declarations, he should rest perfectly satisfied, and should require no farther explanation. But he thought the noble Lord would feel it due to himself to be extremely cautious of entering into any positive engagements of the nature of those which it was alleged had been entered into: for if such engagements had been made, they might prove very injurious to our present interests, and highly prejudicial to our ultimate objects in seconding the efforts of the continent of Europe. The sums advanced to Sweden amounted already to more than 300,000*l.* and as yet he heard of no exertions made by that power, except the sending of some troops to its own province of Pomerania. It was stated that a guarantee had been given on the part of Russia and this country, that if Sweden took a more active part in the war, she should be at liberty to acquire possession of Norway, and to add that to her territories. He did not complain of the injustice of such a measure, since we were actually at war with Denmark; and had therefore a right, if we thought it expedient, to attack Norway ourselves; nor could he say it was unfair in us to furnish Sweden with the means of doing so, if the step were conformable to the general interests and policy of affairs; but how far such a proceeding was wise deserved great and serious consideration. He was far from saying that such an engagement had in fact been made, for that was not in his knowledge. He would repeat, that if the noble Lord thought disclosures imprudent, he should remain silent and satisfied. He thought it but fair to state, that however he objected to, and disliked the construction of the present administration, and many of their measures, yet he was ready to give them that degree of confidence which he should not withhold from any set of men filling his Majesty's councils at the present important crisis. Though at present he should acquiesce in what they might consider most advisable on this subject, yet he should remain in perfect liberty to examine and criticise in public all their proceedings, as it should to him seem proper.

Lord Castlereagh observed, that if the right honourable gentleman had felt it his duty to call for explanation, he

had still guarded himself from the appearance of wishing to press for any disclosure which might be prejudicial to the public service. He had no hesitation in assuring him, that he felt a wish to communicate as much information as was consistent with his public duty; but he should assure him (and his own judgment would show him that it probably must be the case), that he could not explain the present state of the relations between this country and Sweden and Denmark, without also adverting to other relations, and making disclosures which would be prejudicial to the public service. There were some things, however, respecting the claims of Denmark upon this country, which, before it was long, it might be advisable to explain to Parliament, and which explanation would not be prejudicial to the public service.

Mr. Ponsonby said, that he was satisfied for the present; and he relied upon the candour of the noble Lord that he would give the explanation desired as soon as it could be given without prejudice to the public service.

On the motion of Mr. Bankes, an account was ordered of the proceeds of the taxes imposed on Ireland in the last three years.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 5.

The Lord Chancellor adverted to the new regulation made respecting the judicial business of the House, and observed, that the time of the House would be wasted if only one cause was set down for each day, as that might happen to be gone through in an hour. It became necessary, therefore, to appoint a certain number of causes for each day, and with this view he moved to appoint three causes for Friday, the parties in which were all expected to be ready on that day.—Ordered.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 5.

Mr. Lyttleton, understanding that no opposition was intended to the motion of which he had given notice, thought

it unnecessary to say more than merely to move for a copy of the proceedings of the court-martial lately held upon the officers of the Java frigate.—Agreed to.

CAPTAIN PHILLIMORE.

Sir F. Burdett rose pursuant to notice and observed, that he felt it impossible that justice could be done to the public, to the navy, or to Captain Phillimore himself, if the minutes of the court of inquiry recently held respecting the conduct of that officer towards Mr. Hancock were not laid before the House. He should be sorry if it were understood that he was willing to bring forward any proposition calculated in any degree to countenance insubordination, or to interfere with the discipline so essential to be maintained in any armed body, and particularly in the navy; but at the same time he thought it due to public justice, and to the interests of discipline itself, which could only be sustained upon the principles of justice, to bring before that House and the country any instance of cruelty and injustice which came to his knowledge. This duty he had endeavoured, and should continue to perform, certainly from no other motive than a solicitude for justice. In the case under consideration he could indeed have been actuated by no personal motive, for he knew nothing of the parties at the time he had brought it forward; but since then he had learned (and the statement formed a peculiarly agreeable part of his duty), that from general inquiry, the result was most satisfactory to the general reputation of Captain Phillimore, whose reputation, however, must still appear in a questioned shape, if the minutes of the recent inquiry respecting him should not be laid before the House. From the general inquiry alluded to, he had collected that the character of Captain Phillimore stood as high, as an officer and a man, as any one belonging to his profession, while the inquiry was by no means favourable to the alleged sufferer. But the present was not a question between the merits of the two individuals, nor one in which the character of either, whether good or otherwise, should weigh with the House. It was a question merely upon a single fact, and with the decision upon that fact general character had nothing to do. Here the honourable baronet referred to documents which he had received from persons entitled to particular attention, bearing testimony to the general humanity of Captain Phillimore, and which docu-

ments he conceived it his duty to read to the House These documents he read accordingly. They consisted of the declaration from the officers and crew of the Diomede, and the letter of the captain who succeeded Captain Phillimore in the command of that vessel. These, the honourable baronet observed, were testimonials in favour of Captain Phillimore, which were certainly creditable to both parties. But they left the essential fact uncontradicted, and wholly unaffected, namely, that Hancock, a master's mate, who had lost a leg at the battle of Trafalgar, had had a kind of punishment inflicted upon him by Captain Phillimore, which it appeared to his mind impossible to justify. If, however, any justification could be adduced, no one would be more happy to hear it than he himself. The honourable baronet concluded with proposing his motion, that the minutes of the court of inquiry held upon Captain Phillimore, in consequence of his conduct to Mr. Hancock, of the Diomede, should be laid before the House.

The Speaker having asked who was to second the motion?

Mr. Lyttleton rose and observed, that he felt no small difficulty how to act upon this occasion, for if the motion were not seconded he should have no opportunity to state his sentiments upon the subject, which he was anxious to do, and therefore he was induced to second the motion. He was anxious to bear testimony to the conduct and character of Captain Phillimore, whom he had the honour of knowing, and that testimony he should have unreservedly offered had he been present when the honourable baronet first brought forward his vague accusations against that respectable officer. That the motion of the honourable baronet would be rejected by the House, he thought it no presumption to anticipate, and he should approve of that rejection. In so approving, however, he was not influenced by any apprehension for the character of Captain Phillimore—nor should he, indeed, have felt any such apprehension for that character, were the former statements of the honourable baronet to go wholly uncontradicted, at least wherever Captain Phillimore was known. Were that knowledge to accompany the assertions of an interested witness, and the animadversions of the honourable baronet, for whose veracity, however, he had the highest respect, although for his judgment in this case he had no respect at all, he could not apprehend that Captain Phillimore's reputation would suffer any injury. But as that reputation

had been brought into discussion, he (Mr. Lyttleton) felt it due to truth and justice to state, that having been about three years ago for some time on board that officer's ship, and having so had an opportunity of closely observing his conduct, he thought him remarkable for humanity, and that his disposition was peculiarly adverse to any degree of that corporal punishment which the honourable baronet was so forward to reprobate; that indeed his endeavour was rather to correct by means of shame or ridicule than by the infliction of any punishment whatever.

Mr. Croker expressed his astonishment that the honourable baronet could suppose it impossible to adduce a reason against his motion, while he admitted, that since he solicited the permission of the House to withdraw a similar motion, he had himself ascertained that the character of Captain Phillimore was most respectable, and that of his accuser (Hancock) directly the reverse. That it was the reverse, indeed, he (Mr. Croker) had the testimonies of all the officers under whom Hancock had served. For what purpose, then, did the honourable baronet repeat this motion, or panegyrize Captain Phillimore, unless to conciliate the opinion of that officer, whom the honourable baronet had before so unjustly censured. The honourable gentleman added, that Captain Phillimore was yesterday appointed to one of the best frigates in the navy. (*hear!*) As to Hancock, he would not be much longer a disgrace to the navy, for no officer would, from his general conduct, accept him.

Lord Cochrane followed on the same side.

Sir Francis Burdett replied to the several speakers, and the motion was negatived without a division.

RELIEF TO PERSONS DENYING THE TRINITY.

Mr. W. Smith said, he believed no opposition would be made to the motion he was about to submit to the House, and he therefore would not take up two minutes of their attention. The act of King William, known by the name of the toleration act, denied to persons who disbelieved in the Trinity the benefit of toleration. An act of the 19th of his present Majesty required only the general belief in the doctrines of Christianity and the scriptures; but it so happened, that though by the act of the 19th it was not necessary to subscribe the articles of the Church of England, professing the belief in the Trinity, the acts of the 9th and 10th of King William were not repealed. By these acts, persons

who in writing or conversation deny the existence of any of the persons of the Trinity, are disabled in law from holding any office, civil, ecclesiastical, or military, on conviction; and if a second time convicted, they are disabled to sue or prosecute in any action or information, or to be the guardian of any child, and liable to be imprisoned for three years. The only object of his bill was to do away these penalties. He said, the liberal act which was passed last year was highly creditable to the liberality of the ministers of this country, and the times in which we lived. The only question now for consideration was, whether those persons dissenting from the Church of England, should *be* still liable to the penalties of the acts of King William. He therefore moved for leave to bring in a bill for granting farther relief to the different persuasions of Christians in this country, who disbelieved the doctrine of the Trinity.

The Speaker observed, that the regular course was to move first, that the motion should be submitted to a committee of the whole House; which was accordingly done.

Lord Castlereagh said, he certainly did not see any reason to object to the principle of the bill. When the bill was before the House, he would then be enabled to see if there was any thing in the mode of granting the relief liable to objection.

The House went into a committee, when leave was moved for, and obtained, to bring in the bill in question.

Mr. Herbert (of Kerry) postponed for the third time his motion for the 15th report of the commissioners of the naval revision, which was to have come on on Thursday the 6th, to the 7th instant, at the request of the right honourable George Rose; but he gave notice that he would not agree to any further postponement.

Adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 6.

Petitions for facilitating the introduction of Christian knowledge into India, were presented by Lord Glastonbury; also a petition was presented by Lord de Dunstanville, from certain copper smelters and manufacturers, praying for the renewal of the privileges of the East India company.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 6.

Mr. Lyttleton moved, that the order for laying before the House the proceedings of the court-martial held on account of the capture of the Java, &c. be rescinded; and that instead there should be produced to the House, 1st, An account of the number of seamen on board the Java, Guerriere, and Macedonian, at their last muster previous to their leaving England; and 2d, An account of the new hands on board at the time of the capture.—Ordered.

Lord Stanley said, he held in his hands a petition from the merchants and cotton manufacturers in the town and neighbourhood of Manchester, praying that no prohibitory duty would be laid on the importation of American cotton. They could have no objection to a prevention of exportation of cotton from America by blockade, because such a measure would operate alike on the natives of every country; but a prohibition which should merely put it out of the power of the merchants of this country to import cotton from America, would only put the English manufacture in a worse situation than the natives of the continent.

Mr. Baring said, this question ought to be set at rest in some way or other; for at present a great branch of our manufactures was in a very unsettled state. What object could there be in keeping the country in such a state of uncertainty? The government having already had so many months for the consideration of this matter, ought already to have decided on the course they meant to adopt. Something ought to be done for the interest of the country, and the credit of his Majesty's ministers.

The Chancellor of the Exchequer agreed with respect to the propriety of setting the question at rest as soon as possible; but he contended, that so far from a delay of many months having taken place, it was not more than six weeks since he had first announced the tax to Parliament.

Mr. Baring said, it was known to the merchants interested more than three months ago.

The petition was then ordered to lie on the table.

AMERICAN CAPTURES.

Mr. Baring said, that before any motion could be made

for an inquiry into the conduct of the naval war with the United States of America, it was necessary that certain papers should previously be produced. There was a very general complaint among all persons connected with the trade to every part of the West Indies, and North and South America, of the insufficient protection afforded them by our navy, and of the manner in which that trade had been interrupted by the vessels of the United States. There never was a time in which there prevailed a more decided opinion of an undoubted failure of protection. Whether this had happened from government's having under-rated the consequence of the war with America, or from whatever other cause, it was inconceivable how the trade of the whole coast of Brazil and our West India Islands had been interrupted. It was not his intention, however, to anticipate the discussion of a future day; he merely wished to state these facts, while troubling the House for the papers he was to move for. He intended to move for an account of the number and tonnage of the English ships captured by American vessels since the commencement of the American war; but he had been informed by the honourable secretary to the admiralty that no office of government could furnish such a paper. He wondered that the admiralty could not furnish it. How was it possible for the admiralty to distribute their forces so as to afford the most efficacious protection to our trade, if they were unacquainted with the amount of the captures made by each enemy? At Lloyd's something like a register of the sort was kept. As such a document as he wished for, however, was not to be got, that the matter might not be left to vague assertion, and that some government officer might not say the trade was never better protected, as the next best means, he should move for copies of all the memorials and remonstrances presented to the admiralty, stating the insufficient protection of the trade on the coasts of America and the West Indies, since the breaking out of the war.

Lord Castlereagh said, he should be perfectly prepared to defend the vigilance of the admiralty whenever the subject might come before the House. With respect to the information first wanted by the honourable gentleman, it was impossible for the admiralty to give an accurate account of the captures of English vessels by the enemy, as they had no means of getting such an account except from the enemy; and therefore, if they were to furnish any *thing*

in the shape of what the honourable gentleman wished for, it could only be fallacious. With respect to the other information asked for, he was really astonished that a member of the experience of the honourable gentleman could call for papers of such description as all the memorials and remonstrances submitted to government, under which head must be included all the letters written by individuals smarting under their losses. If the admiralty were to be put upon their trial in this way, it would at least produce this effect, that the number of memorials and remonstrances would be incalculably increased, and the different offices of government would be loaded with complaints of the most unjust, scandalous, and vexatious nature. He had no hesitation, therefore, in giving a direct negative to the request of the honourable gentleman, satisfied as he was, that in any case of neglect on the part of administration, there were members in the House sufficiently vigilant to bring it forward, and put his Majesty's ministers on their defence. He therefore hoped the honourable gentleman would not press his motion.

Mr. Baring said, he was not calling for vague information, but merely wished for the production of the complaints made by persons complaining of insufficient protection on the coasts of the West Indies and America. It was well known that the Jamaica merchants could not send brokers from one port of the island to another for the American privateers. He could see no objection to the production of such complaints.

The question was then put, and the motion negatived without a division.

Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 7.

A great number of petitions for facilitating the introduction of Christian knowledge into India were presented. —Ordered to lie on the table, together with a petition presented by Lord Holland from the dissenting ministers of Devonshire, praying for the removal of all disqualifications on account of religious opinion.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 7.

ADMIRALTY REGISTRAR'S BILL.

Mr. H. Martin moved the order of the day for the second reading of the admiralty registrar's bill.

Lord Castlereagh said, he was not prepared to enter into the detail of the bill, but he conceived that it was certainly better that the money of suitors should be vested in the bank of England, than in any other private security. The balance at present in the hands of the registrar (Lord Arden), which he understood amounted to between 80 and 90,000*l.* was a sufficient reason for parliamentary interference and regulation. He did not, however, wish the regulations to take place during the the term by which the office was held by law by its present possessor.

Sir W. Scott briefly supported the claims of the present registrar.

Mr. H. Martin said, he did not conceive that the noble Lord (Arden) could have any legitimate interest in the money of suitors in his hands. He conceived that the sum uninvested exceeded 80,000*l.* that there was a distinct account of 95,000*l.* accruing since 1777.

Mr. Stephen stated, and pledged himself to prove, that 95,969*l.* was the whole amount of suitors' monies at present remaining in the hands of the registrar.

Mr. Martin, Mr. Stephen, Mr. Farquhar, and Mr. Whitbread, entered into a detailed and intricate discussion of the accounts given in from the registrar's office, and of another account received by Mr. Martin from a private source, the result of which seemed to be, that 95,969*l.* was all the money at present uninvested, but that it had at one time amounted to no less than 247,000*l.*

After a few words from Sir John Nichol, Sir Samuel Romilly, and Mr. Ryder, the bill was recommitted, and ordered to be referred to a committee of the whole House.

Mr. Martin moved, that the report on the deputy remembrancer of the exchequer's bill be taken into consideration; but, on the suggestion of the chancellor of the exchequer, it was postponed until Wednesday.

INSOLVENT DEBTORS IN IRELAND.

Mr. Peele moved for leave to bring in a bill for the relief of insolvent debtors in Ireland.

Sir Samuel Romilly approved of extending the spirit of the English law on this subject to the people of Ireland. He also wished to know if it was in the contemplation of the right honourable gentleman to have the bill for the regulation of ecclesiastical courts extended also to that country, and regretted the absence of an honourable and learned gentleman, from whom they might expect some information on that subject.

After a few words from Mr. Peele, leave was given to bring it in.

NAVAL REVISION.

Mr. Herbert of Kerry rose, pursuant to his notice, to move for the 15th report of the commissioners of naval revision, with a view of founding some motion upon it for the improvement of the dock-yards of Deptford and Woolwich. He touched briefly upon some plan which he had seen for that purpose, and after stating some of the inconveniences which it was his wish to see remedied, he alluded to some of the objections that might be urged against the plan. We understood him to state, that the carrying of this plan into effect would cost about 15,000*l.* a year. He was sure that the production of the report could be attended with no inconvenience to the public service. He concluded by moving, that an address be presented to his royal highness the Prince Regent, humbly praying, that he would be pleased to order the 15th report of the commissioners of naval revision to be laid before the House.

Mr. Croker said, that it would not be necessary for him to trouble the House at length on this question. The honourable mover proceeded on two assumptions: First, That a large naval arsenal was to be built; and second, That the existing dock-yards at Woolwich and Deptford were to be abandoned. The first assumption was premature, and the second still more so. A sufficient answer to the honourable gentleman's motion was, that the government would not undertake any work at Northfleet, without submitting the subject to the consideration of Parliament. On this ground he should give his vote against the motion.

Mr Alderman Atkins said, that he understood the present

motion to be a side-wind to introduce a canal bill. This canal, if established, would have the effect of taxing all shipping which approached the port of London, whether they passed through the canal or no. (*no! from Mr. Herbert.*) This work, of which the capital was 305,000*l.* had been subscribed to only by ten persons, at 1000*l.* each. A profit was to be guaranteed by government to sleeping partners, and for this was the shipping of the kingdom, already too much burthened, to be oppressed.

Mr. Rose opposed the motion. The proposal for a canal had been thrown out very loosely when the admiralty had appeared to support it, but had upon examination been found inexpedient. The projector of this canal had at *first* proposed to do away with the poor Thames altogether, and bring a canal to Vauxhall. The honourable gentleman (Mr. Atkins) had misunderstood the honourable mover, as to the taxing ships in the river; a surer plan had been adopted, by proposing to secure the interest by taxing the whole kingdom.—The motion was negatived.

Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 10.

No business of public interest this day.

HOUSE OF COMMONS.

MONDAY, MAY 10.

FELONY AND PETIT LARCENY BILL.

Mr. Kenrick having moved the third reading of the felony and petit larceny bill,

Sir. C. Monck moved as an amendment, that it be read a third time this day three months.

After some conversation on the subject, in which Sir J. Newport, Mr. Whitbread, Sir W. Geary, Mr. Wetherall, and Mr. Wynne, took a part—the House divided,

For the third reading now - - -	33
For the third reading this day three months	11
Majority in favour of the bill -	22

The bill was then read a third time and passed.

PETITION FOR PEACE.

General Fergusson presented a petition from Dysart, in the county of Fife, praying that no opportunity might be lost for restoring to this country the blessings of peace.

The petition being brought up and read,

Mr. Whitbread, while he admitted that this was not the precise time for agitating such a question as that alluded to in the petition, must still agree with the petitioners as to the fallibility of the present ministers. No opportunity however, he believed, had hitherto been lost; and though a total silence on the subject had for some time been observed in that House, yet the time for a perseverance in that silence was now pretty nearly at a close.

IMPORTATION OF COTTON FROM AMERICA.

Mr. Alderman Atkins presented a petition from the ship-owners, &c. of the port of London, against the importation of cotton wool from America. There was now 1¼ years consumption on hand, and from the Brazils, and from our own possessions in the East and West Indies, a sufficient quantity of cotton wool might be produced to render any importation of it from America unnecessary. This was a measure peculiarly necessary to be adopted at the present moment, when our manufactures were excluded from America, and when it became us to adopt a system of retaliation. The present high price of the precious metals, however, in which alone, while the present system continued, our imports of cotton from America could be satisfied, rendered this a subject which called for the peculiar attention of the ministers of this country at the present moment. He took this opportunity of asking the chancellor of the exchequer if he had any measure to propose on this subject, and particularly if it was in his contemplation to repeal the act of the 43d of the King, connected with this matter? If not, he must himself originate some motion upon the subject.

The Chancellor of the Exchequer said, as a measure of finance, he had nothing on the subject to propose; but as a matter of policy, as far as depressing the produce or growth

of the colonies of our enemies, or those with whom we were now at war, could tend to the encouragement of our colonies, he esteemed it a matter of the first importance; and with this view a blockade of the American ports had been resorted to as the most effectual means, while this country was precluded from intercourse with America, to prevent any other country in Europe from being in possession of her produce. He did not think it desirable to repeal the act of the 43d of the King; but the question was, whether it would or would not be desirable on the part of the manufacturers of this country, so long as our manufactures were excluded from America, that theirs should be wholly excluded from the markets of this country?

Mr. Baring thought it surely desirable that the Americans should be distressed by the shutting up of their ports. All that the manufacturers of this country, however, could feel an interest in was this, that if the produce of America did not find an entrance into this country, it should not find an entrance into any rival market, from which, of course, our manufactures must in that event be excluded. The only ports of the American coast which were blockaded, were the Chesapeake, Savannah, and Charlestown. This was not a blockade of America generally, but only a geographical blockade.

Mr. Canning thought, whatever was to be the line of conduct to be pursued, it ought to be adopted as early as possible, and strictly adhered to. He never understood this to be intended as a financial measure, and what he objected to at first was leaving it in the power of the board of trade, at their pleasure to dispense with the measure, by which at any time a sudden and destructive influx of cotton, the produce of America, might be occasioned, to the ruin of our own colonies, after an inducement to the cultivation of cotton wool had been held out by the ministers of this country. America had been the aggressor, and to make the measures of this country effectual, we ought to follow them up with vigour and certainty. That which was meant as a measure of aggression against us, we ought to convert into a measure advantageous to our colonies.

Mr. Phillips said, the inducement already held out to our colonies to cultivate cotton, amounted to about 50 or 60 per cent.; if this was not an inducement, why should we hold out to them any further inducement, or urge them to it by artificial means? The immediate effect would be to raise

cottons above their present high price, and the ultimate consequence would be, the introduction of a great quantity of low-priced cotton into other countries, from which England would be excluded; and, of course, her manufactures in return would be excluded from every foreign market. The East Indies, there was little doubt, would be able in time to supply this country with every sort of cotton; but this must be done gradually, and not by any sudden or artificial impulse.

The Chancellor of the Exchequer said, that as a measure of finance, he had abandoned the tax upon cotton; but, in case of a speedy friendly intercourse, he was for a restraining duty. With respect to America, we had no right to establish any thing in the nature of a geographical blockade, as the Americans did not accept of the continental system. What was justifiable against Bonaparte would not be so against the Americans, according to the law of nations. Our commanders, however, on the American station had certain discretionary powers on this subject.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 11.

Petitions for facilitating the introduction of Christian knowledge into India were presented. One presented by Lord Viscount Sidmouth from Devizes, complaining of the injury done to fair traders by the number of auctions; and one presented by the Duke of Montrose from Dunbarton, complaining of the unequal pressure of the property-tax upon the tenants and occupiers of land in Scotland, and urging that one-third of the rent would be the fair criterion of profit instead of one-half.

The felony and petit larceny bill, some local and private bills, were brought up from the Commons by Lord Newark, Sir George Clerk, and other members, and read a first time. The Southwark bridge bill was also returned by Lord Newark and other members with the amendments agreed to.

HOUSE OF COMMONS.

TUESDAY, MAY 11.

Sir John Cox Hippisley rose and said, that he apprehended that he was to expect no indulgence from his friends, nor even a friendly cheer from those behind him—(*a laugh*)—but he had the conviction of an honest conscience to support him; and would say, if he had a crime, that it was consistency. (*hear, hear!*) However his conduct may be estimated by many, he was still as consistent and as anxious as ever on this subject. He was at present, as indeed he had always been, of opinion, that to please the mind of the country at large, it was necessary that the report of a committee should precede any act of legislation in favour of the catholics. He then read his intended motion, and said, if the committee, for which he meant to move, was granted by the House, that he wished it to consist of 21 members. After this, the honourable baronet alluded to some remarks made on a former occasion by an honourable gentleman not now in his place (the member for Yorkshire). But with all his illumination, even that honourable gentleman might allow that some further light was necessary on topics connected with the present subject. On a former occasion, when he had made some allusion to some of the canons in the time of James I. he was told that these were canons of the church of Rome. This showed that some further light was necessary even to those who were a good deal enlightened already. In consequence of this and similar remarks, he came down to the House the next day, and moved for the production of the text-books and treatises used at the college of Maynooth. He particularly alluded to M. de la Hogue's treatise *De Ecclesiâ*, of which some parts had lately been called in question by an able catholic writer, D. O'Connor, in his letters styled, *Columbanus ad Hibernos*. It was with a view of throwing new light on the subject that he moved to have these books laid before the House. He wished for light in every step he made in this business; for he did not wish to legislate in the dark. It is true, that he had been told, that his object in calling for these books was to cause delay, and thereby to ruin the catholic cause. With respect to his desire for delay, he would allow the charge; but his object in procuring that delay was not hostility, but friendship to the catholic claims. He was, however,

ready to confess, that, as it stood at present, he was hostile to the catholic bill. It was, indeed, such that he could not say of it, *materiam superabat opus*. The views of the catholics were now very different from what they had been. Formerly, when the veto was first introduced here, several months had passed after its introduction, before it was declaimed against, even by anonymous writers; but a pamphlet soon after made its appearance, which had been, from its effects on their minds, called the Brief of the Bishops; and this was the work which first excited alarm among the catholics. It was the production of a learned Irish catholic barrister, Mr. Clinch. There were many things which made the inquiry, which it was the object of his motion to institute, altogether necessary. Indeed, to read the Irish newspapers would be sufficient to convince us of its necessity, (*no, no, from the opposition benches*), if we would only attend calmly to what they generally have been saying of late. The regulations which he wished to see established in this country, were to be found in all the countries of Europe. For the truth of this remark he would be satisfied to refer even to Dr. Milner's works, although of late he had certainly, in some degree, altered his opinions. Dr. Milner was not to be regarded merely as an English Roman catholic bishop—as a vicar apostolic; he was, besides, an ecclesiastical diplomatic character. Were the House to allow them to go into a committee, he would prove, that even Dr. Milner was formerly jealous of the interference of the see of Rome. The honourable baronet then read some extracts from one of Dr. Milner's tracts, relative to the subject of the bill, and his (Sir J. Hippisley's) opinions relative to it; and said, that Dr. Milner maintained something tantamount to saying, "Enact what you will, your enactments cannot arrest the progress of our ecclesiastical jurisdiction." The great object of his present motion was certainly delay. For eight years he had been a friend to the measure of the bill, so far as wishing for a select committee to make a report on the subject before the formation of any act of legislation. It was with this view that he brought forward all the papers on and under the table (*a loud laugh, for the papers appeared to be numerous*); so far he was still an advocate for the measure, but no farther at any time. His object was not to gain time, in order to defeat the measure, as had been alleged against him, but to enable the catholics to re-

fute the accusations that had been brought against them by some of the prelates of the established church. In alluding to the charges of the different bishops, the honourable baronet said, that Dr. Horsley would not formerly go so far as he was then disposed to go himself; but that he went down to the House of Lords, and made a strong speech against concession, under the influence of false impressions. Sir John Hippisley had conferences after that time with the learned bishop on the subject; and Dr. Horsley declared, that the tenets of the catholics were innoxious, except so far as he (Sir J. C. Hippisley) was now contending. Further inquiry may reconcile the contradictory opinions of the bishops. Even Lord Liverpool, who had been once wholly hostile, now was ready to allow that the question has of late been extremely narrowed. From considering this and other opinions now afloat, he hoped that such a report as that which he wished to recommend, would very soon succeed in settling every difference. He then quoted Archbishops Tillotson, Wake, and others, to show that protestants did not differ fundamentally from the church of Rome in ecclesiastical discipline. As they were so near, he wished to have them brought nearer in this respect. He made a few remarks on the subject of monastic institutions, against which, he said, he was not disposed wholly to set his face; but he would not have monastic vows made before the age of 25. Though he had no objection to a catholic Lord Mayor of London, he would not wish to see the sword and mace of a catholic church carried before him in procession. With respect to the oaths taken by the catholics, he was ready to allow that they were the highest test that could be exacted. Other European states, however, had deemed other regulations necessary. This too was the opinion of many in this House; otherwise, why should the right honourable gentleman, the member for Liverpool, propose such regulations in his amendments to his right honourable friend's bill? In the petition of the Irish catholics, presented by Mr. Fox in 1805, they stated, that they had all the oaths required of them, and that they could give no better securities. They could not, he was satisfied; but the securities for which he wished to call, were not from the catholics, but for them and ourselves, against the encroachments of the church of Rome. There was a passage in the speech of Lord Grenville on this subject, which he (Sir J. C. Hippisley) had so much approved of, that he had prefixed it

as a motto to one of his publications, the purport of which was, that if the measure of catholic emancipation were ever adopted, it would be essential to consider what course of policy should then be adopted, what safeguard provided. It was now said, however, that these safeguards were provided; but if provided, they were not grounded in any inquiry. If the House would enter into an inquiry, he would prove that safeguards were adopted by every state of Europe. They were not only provided, but acted upon at the present moment, and Bonaparte was now employed in legislating (if the fear of a tyrant could be called legislation) on this subject. It had been lately announced in the Moniteur, that Bonaparte had induced the pope to relinquish the power of appeal, and it was agreed, if the see of Rome did not confirm the nomination of every bishop within six months, the metropolitan should institute the bishop of his own authority. These facts could be proved in evidence, and it could also be proved that in other national catholic churches, whenever communication with the see of Rome was by any means interrupted, they were accustomed *de jure* to act independently of that power. A subject he should now advert to was the taking of the oaths prescribed to the Roman catholics under the acts of 1791 and 1793. On this subject he had written to 31 clerks of the peace, of different counties in England, and the result was, that in Lancashire, which contained a population (it is supposed) of 100,000 catholics, only 93 priests and 361 laymen had taken the oaths. Within 10 miles round London, there were supposed to be 40,000 catholics; and of these, in Middlesex, 14 priests and 83 laymen had taken the oaths; in the city of London 24; in Essex 33; and in Kent 60. In Bristol, where there was a population of catholics, which, according to some calculations, had amounted to 1500, and by others to 2700, and where neither zeal nor loyalty was wanting in the pastor, only one priest and three laymen had taken the oaths. In all the 31 counties of which he had procured the returns, 1835 persons had taken the oaths in question. Concerning Ireland he had also made some inquiries, and he should feel it his duty to move for returns on the subject; but he had found great difficulties in collecting the information required from that country. Would the House think it too much to call for information on this subject? It was no proof of the disloyalty of the catholics that these oaths had not

been taken; but if they were to send forth an act passed in consequence of petitions which stated the catholics to have taken the oaths, were they not liable to have it said that they had legislated on false grounds. The noblemen and gentlemen who signed the catholic petition, had no doubt taken the oaths; but with respect to the catholics in general, the fact was otherwise. With respect to another part of the subject of his motion, viz. as to the laws and regulations affecting the catholics in the colonies, the ignorance was very great. It was denied eight years ago by Dr. Milner, that the Bishop in Canada was paid by the crown; but now it was only said that the pope had not assented to the nomination by his *concordatum*. In Canada, too, the regular clergy, excepting the order of Jesuits, had been suffered to remain. The honourable baronet then adverted to the refusal of an addition to the grant of Maynooth college, and the impolicy of forcing the catholic clergy into establishments for education which were not under the superintendance of the government.—Was it wished, he asked, to encourage the order of Jesuits? There existed in this country a body of persons who educated youth in the catholic doctrines, and who did not suffer them to receive orders from their diocesans, but sent them to Naples to the college of Jesuits, whence they returned, professing no subordination to their ecclesiastical superior. The order of Jesuits existed now in Russia and Naples only: in Russia it had been revived by the Empress in 1782 or 3, and one of her subjects had been appointed head of it, without the authority of the court of Rome: in Naples, too, it had been allowed and protected by the queen. The sum of 30,000*l.* had been raised, to be applied to the erection of a college near Dublin, under the direction of ex-jesuits, and it was surely the duty of the House to prevent the application of it, and to provide for the extension of the institution at Maynooth. It might be said that the effect of his motion would be to arrest the progress of this college; but if it were so arrested, it would be a wholesome arrestation. The measure which he had that night to propose was not new, it had been the subject of his correspondence with a noble Lord opposite to him (Lord Castlereagh) in 1811. It was also more especially necessary at present, because one quarter of the members of the present House were not members of that Parliament in which this question had been so amply discussed. If, on this occasion, he had

abandoned his friends, he had done it only because he must otherwise have given up those principles which he had ever been anxious not to compromise. This motion he should feel it his duty to press every session, whether the bill before the House passed or no. The effect of the inquiry would, however, most probably be, to further eventually the progress of the bill; and the only objection that could be urged was, that it would in the first instance retard it. In this motion he was the organ of no party, and the only assurance of support which he had received was, that the motion would not be suffered to drop without being seconded. He should press it, however, on the House, to collect evidence on this subject through their committee, and to publish it through the nation, and not to suffer the people to be duped by false assertions and counter-assertions, of which some were most absurd, and fraught with the most baneful misrepresentations. It might be said by the protestants that a religion, the adherents of which it was not safe to admit without restrictions to the enjoyment of civil rights, had better be altogether suppressed. It might be asked by the catholics, why is our loyalty suspected? He should answer, that he proposed restrictions, because Spain and Portugal, the governments the most bigoted in the profession of the catholic religion, had interfered between their priesthood and the papal see. Although the majority in favour of the bill was in that House convincing, it would not convince the nation, and he would defy any argument which ingenuity could urge against his motion, except that because the committee had been carried by a majority, it was probable that the bill would be carried also. The House had been for eight years asked to go into a committee—to any objection it had been justly and constantly answered, that there could be no objection to inquiry on the subject; but when the committee had been granted, with such rapidity was it passed through, that the resolution on which the bill was grounded, had been agreed to before he knew any thing of it. They were, however, called on to proceed without any consideration, while to be convinced of the general ignorance on this subject, they needed only to look into the petitions on their table. In some of these it was represented as an enormity, as quite inconsistent with the principles of the reformation, that catholics should sit in Parliament; while the fact was, that for a considerable period after the reformation, catholics

possessed such seats, and that in favour of the measure for bringing back the protestant bishops to their seats in the House of Lords, 24 or 25 Roman catholics voted. [The honourable baronet then adverted to the mode of electing the catholic bishops, as being uncanonical, and was proceeding with his statements, when a coughing arose, which was continued by an honourable gentleman in the back of one of the side galleries in all the modulations which that convulsive sound admits of. The latter part of the honourable baronet's speech was thus rendered inaudible.] The honourable baronet concluded by moving, that a select committee be appointed to examine and report on the state of the laws affecting his Majesty's Roman catholic subjects within the realm; the state and number of the Roman catholic clergy; their religious institutions, and their intercourse with the see of Rome and other foreign jurisdictions; the state of the laws and regulations affecting his Majesty's Roman catholic subjects in the several colonies of Great Britain; the regulations of foreign states, as far as they can be substantiated by evidence, respecting the nomination, collation, or institution of the episcopal order of the Roman catholic clergy, and the regulations of their intercourse with the see of Rome.

The motion having been seconded,

Mr. Grattan spoke as follows: My object in rising thus early in the debate, is not so much to reply to my honourable friend (for few have been his arguments that require an answer), as to express the sincere respect I personally entertain for him, and to return to him my grateful thanks for the eminent services he formerly rendered to the cause of liberty and toleration: though I differ from him upon the present occasion, the deep impression of obligation for past exertions cannot be obliterated. His first proposition is to appoint a committee, on the supposition that the House is completely ignorant upon this important subject—forgetting that there never was a question which has been more often, and few questions that have been so frequently, discussed within these walls. (*hear, hear!*) Does he not know that it is now nearly 20 years since the catholic claims were first urged in this House? Does he partake so much of the ignorance that he falsely attributes to us, as not to remember that it was agitated in 1791? Does he not recollect the debates in 1792, and the discussions of 1794 and 1795? Has he quite forgotten the renewal of the

question on the motion of Mr. Fox in 1805? Does he forget the protracted inquiries of 1808 and 1810? Does he find no trace in his memory of the two debates in 1811, and of the three discussions in 1812? Is he so deeply buried in darkness even as to the most recent transactions, as to have forgotten that it was again twice the subject of grave deliberation in 1813? (*hear, hear!*) Does he not remember the overwhelming inundation of pamphlets upon this interesting topic, containing the most valuable and authentic information? Has he forgotten his own voluminous and able publications in favour of what he now would deny? Has he forgotten his own triumphs over intolerance, and the "numbers without number" of prostrate antagonists that fell by his single and victorious arm? Has he forgotten the hosts of bigots that he once put to disgraceful flight? Has he forgotten all the powerful arguments that he himself used; all the weighty information that he himself provided, by which he is now deprived of the opportunity of saying that the House and the country are ignorant upon a subject that for 20 years has been the patient study of the wisest and the ablest men that any age or nation can produce? (*hear, hear!*) Unless he can persuade the House to undo what it has already performed, he cannot succeed, for the determination of Parliament is directly in the teeth of his motion. On the 10th of March last, the House resolves, "That it is highly advisable to make provision for the repeal of the penal laws affecting the Roman catholics."—What is the motion of the honourable baronet? That this House shall now appoint a committee to inquire into the propriety and expediency of the vote it formerly passed. After long debates for a series of years, it was at last determined to repeal the restrictions, and now my honourable friend calls upon the House to declare its former decision precipitate, and a select body of 21 individuals is to be named to inquire whether the resolution of the whole House, after mature deliberation, was not inexpedient and absurd. (*hear, hear!*) If the proposition he now offers be adopted, I have no doubt, and he has no doubt, that it will defeat the bill; the question then is, whether you will reject the bill you yourselves ordered to be prepared? will you say that your previous order to repeal the penal laws was precipitate and unwise—that notwithstanding 20 years' examination and experience you are still in total darkness—that no concession shall be made—that no conciliation shall

be promoted—that no emancipation, however qualified, shall be granted? For be it remembered, that the resolution of the honourable baronet will not have the effect of postponing the measure for six months, or for the session; but he admits, and he seems to glory in the admission, that it will completely frustrate all our darling projects of ultimate liberation, harmony, and felicity. To what interminable lengths are the inquiries of the committee to extend? It is to examine into all penal laws, not only since, but before the reformation—into all the provisions adopted in all our colonies—into all the guards prescribed in all the countries of Europe—into all the controversions that at all times and in all places have agitated the world upon the subject of the catholic religion. Such an investigation must occupy an incalculable period, and what liberal man would not recoil at the idea, that after a struggle of 20 years, the consummation was still to be postponed to a period equally distant—at a time too when five millions of catholics, with open arms, are impatiently but thankfully waiting to receive the promised boon. (*hear, hear!*) The case of the slave trade has been mentioned: the discussions began in 1788, and were not terminated until 1807, and during an interval of 18 years Parliament was deliberating upon mercy and humanity. If you consent to this motion, you destroy the bill—you do worse, because you give a sort of apology for rejecting it, which stultifies yourselves and your proceedings: it amounts to a declaration of ignorance on the part of the House, which, under the circumstances, is impossible. (*hear, hear!*) In the first place, I object to this motion, because it will lead to an exhibition of all the penal laws affecting the catholics, which is unnecessary and impolitic, since the only effect would be to renew grievances and disputes—it would be to appoint a committee to revive and encourage religious feuds, and to foment animosities that ought rather to be allayed and dispelled. Another object of the honourable baronet is to inquire into the charges brought against the catholics by the Bishop of Lincoln. Parliament is to be engaged in a dispute with an individual; and because he chooses to make assertions that may or may not be just, the whole catholic body is to be brought to the bar of these 21 gentlemen, who are to be delegated to decide upon their fate. Is such a proceeding becoming the dignity of the House of Commons? This, then, is to be a committee of controversy—it is likewise to

be a committee of diplomacy, because its indefinite powers are to enable it to inquire into correspondence held with foreign courts; in short, there seems nothing into which it will not have authority to investigate, and upon which it will not be necessary for it to report, before the catholics can hope for relief. The right honourable gentleman then entered into a minute description of the bill he had introduced, and the second reading of which was appointed for this night. It had been said that it had been received by the catholics in Ireland with dissatisfaction; that it had kindled a flame of animosity. He denied the assertion. (*hear, hear*!) He was convinced that the great majority were contented, grateful and willing to accept whatever the legislature should deem it wise to grant. It was not true that the catholic board had entered into any resolutions expressive of their disapprobation of the measure, and the assertion that they were opposed to it was founded upon a report, which report was not founded in fact. (*hear*!) On the contrary, the catholic board had voted thanks to the members who had particularly exerted themselves in their cause: those expressions of approbation had never been withdrawn, and delegates had been named to proceed to London to confer upon the subject. It was true that some publications had urged objections, and some persons had countenanced them; but if concession was not to be made while one newspaper or one individual was discontented, he feared that little hope of ultimate conciliation could be indulged. (*hear, hear*!) The true mode of legislating was to act upon principles of liberality to the catholics and security to the church; the measure was to be founded upon public concord, and as far as he had ascertained, the catholic board was as ready and anxious to grasp the hand of friendship as Parliament was to extend it. Mr. Grattan here noticed *seriatim* the various objections urged in the supposed resolutions of the catholic board against the bill, and recalled to the attention of the House the particular provisions it contained. With regard to the remark, that the bill should enumerate the various laws it was intended to repeal, he observed, that he did not introduce them because the object was adjustment, and the very soul of adjustment was incorporation. Had all the penal laws been introduced at one view, the effect would inevitably have been a renewal of disputes, that he hoped would in future be for ever at rest; such had been the mode pursued in 1791 and 1793. The securities afforded in the

bill to the protestant establishment, ten in number, next occupied his attention, and he detailed with great precision the particulars of the oath, which is already before the public, and which it was imperative upon every catholic clergyman to take. Besides the guards he had deemed it right to introduce, his right honourable friend (Mr. Canning) had suggested two clauses of additional security, both of which he highly approved, and would himself have included, had he not thought that they might be objected to by the catholic body. Mr. Grattan concluded a very animated speech in the following terms:—"Thus then is laid before the House a plan of perfect domestic security and liberality—a plan, the result of painful and anxious inquiries—a plan, for the accomplishment of which the greatest statesman of this country struggled in vain—a plan, that I trust at no distant period will be completed. If, however, the motion of the honourable baronet be acquiesced in, and this committee shall be appointed, I shall not dare to hope to witness the fulfilment, not only of my wishes—not only of the wishes of the majority of this House, but of the wishes of the majority of the nation. This is a bill of catholic emancipation, in which are provided three main securities: the first and greatest is incorporation; the second, a positive bar against domestic catholic influence; and the third, an effectual provision against foreign catholic interference. This measure, we submit, ought to receive the sanction of the legislature—Parliament has already pledged itself to concede—it has already declared that it is expedient to repeal the laws which deprive a great portion of our countrymen of privileges they ought to enjoy, for the sake of producing general harmony, security, and happiness. Let Parliament, then, fulfil the pledge it has given to the nation, without being diverted from its obvious duty by motions like that to-night proposed: the bill is before it, nor can any solid objections be urged unless by those who are enemies to catholic privilege and protestant security. Mr. Grattan then moved the other orders of the day.

Mr. Ryder, after noticing his motive for seconding the motion of the honourable baronet, observed, that he was not at all surprised that the catholics should be well pleased with the bill now in progress: how could it be otherwise? For if it were allowed to pass (which he was convinced it never would), the important offices of judges, ministers of state, and magistrates, might be filled by catholics without one additional security for the establishment; for notwith-

standing the increased length of the oath prescribed in the new bill, it contained nothing not included in the acts of 1791 and 1793. He did not believe that gentlemen were aware of the step they were about to take, and he warned them carefully to examine the ground before they ventured to proceed. That Sir J. C. Hippisley was the proposer of the motion, was, in Mr. Ryder's view, a considerable inducement to support it, because he had always been a steady friend to the catholics, and could not be supposed to act now, for the first time, from a feeling of hostility to their claims. All he required was, that the House should pause to procure information before a fundamental change was made in the constitution, and before those laws were abrogated that had subsisted for centuries, and were established by the wisdom of our ancestors. Was it not fit that inquiries should be made as to the real sentiments of the Irish catholics upon many religious topics? Should not some investigation take place regarding the Jesuits' college, to be established in the sister kingdom, for which 30,000*l.* had been subscribed? Was not the number of individuals who had already taken the oath a proper subject for investigation? and did not the most important topic of the veto demand deep, deliberate, and laborious scrutiny? It had been urged by a right honourable gentleman (Mr. Grattan), that the subject had been considered during the last 20 years. Did he mean to say that mere discussion in Parliament was the sort of close and rigid inquiry that this intricate question required; and did not every important matter receive the sort of consideration proposed by the motion to be given to the catholic claims? The Irish propositions, the slave trade, were discussed before committees; and even at this instant, a similar example was exhibited, in the tedious examinations respecting the renewal of the charter of the East India company. It ought never to be forgotten, that investigation before a committee was the very course that had hitherto been suggested by the friends of the catholics. (*hear, hear!*) Why, then, did they not now support this motion? Had there been any such committee? (*hear!*) True; but it was a committee of the whole House, and was merely a formal proceeding, to comply with the resolution of the last session. The right honourable gentleman deprecated in strong terms the idea of precluding the House from the attainment of information adequate to the occasion upon which it was called to de-

termine; and he was, he confessed, surprised at the proposition so to treat the House, considering the manner in which the bill of the right honourable gentleman (Mr. Grattan) had been brought forward—considering that the right honourable gentleman had himself stated that this bill should be submitted to the House previous to the holidays, with a view to having it printed and circulated for the information of the House and the country before it became the subject of discussion.

Mr. Grattan denied across the House that he had made the statement or promise mentioned by the right honourable gentleman.

Mr. Ryder declared that he so understood him, but of course, from the explanation of the right honourable gentleman, must have been a misunderstanding. But the fact was, that the House had had no opportunity whatever of sufficiently examining the merits of this bill, which, professing to make an important change in the whole constitution of the land, was proposed to be read a second time one week only after it was introduced, although the committee by whom it was drawn up, had occupied no less than two months in its correction. How then, with any appearance of consistency, or even decency, could the House be called upon to decide on such a measure after only one week's consideration? For himself, while he was free to declare his conviction that it was impossible for Parliament to accede to such a measure as that proposed, while the catholic tenets remained such as they were, he should think it was due to candour, to the merit of the measure itself, that the House should be allowed an ample opportunity of understanding it. With a view to that understanding, the motion of the honourable baronet was entitled to support; but he should explicitly declare his intention to support it, with a view to delay such a measure as the bill of the right honourable baronet. This he was quite ready to admit. The House must and would, he had no doubt, reject the bill; and whether it would agree to the proposition of the honourable baronet he could not say—but of this he was sure, that if the honourable baronet's proposition were adopted, the House must become better prepared to pronounce a satisfactory decision—and of this he was equally sure, that nothing would be more unbecoming than to decide hastily, or to proceed with any degree of hurry or precipitancy, upon a measure entitled to the most deliberate and mature consideration, not only from

its own importance, but from its tendency to excite the fears and jealousies, or if gentlemen would have it so, the prejudices and passions of a great proportion of the people. That the measure had such a tendency, was proved by the several petitions before the House. He did not mean by this reference to say that the House should sacrifice its judgment to the wishes of its constituents; but their constituents had a right to expect that the House would attentively inquire into, and maturely weigh all the merits of any measure of legislation, before it was finally adopted. Indeed it was due to the wish of the people, as well as to the character of the House itself, to give to this important measure the same degree of consideration which it usually granted to all great questions.

Mr. Grattan here repeated his denial that he had promised to bring the bill alluded to before the House previous to the recess. He had no doubt a hope, that the bill might have been brought forward, and even read a second time, before the recess; but although such was his wish, he disclaimed any promise or pledge upon the subject.

Mr. Canning rose, and before he proceeded, called for the reading of the resolution of June last, pledging the House to consider the penal laws affecting the catholics, and also the proposition to the same effect in April preceding, which was negatived. These documents were accordingly read, the former by the speaker, and the latter by the clerk at the table. And, said Mr. Canning, it is after this proposition has been negatived by a majority, of which my right honourable friend (Mr. Ryder) was one, that he comes forward this night to support the motion of the honourable baronet, and to accuse those of inconsistency who disapprove of that motion, advancing that accusation too in rather an exulting tone. I really do wonder at the versatility displayed upon this occasion by my right honourable friend, which versatility does not at all belong to his general character, but is entirely owing to the helplessness of his cause—to that helplessness which impels my right honourable friend to resort to a conduct, from which I know his own nature would revolt, because that nature is ill calculated to support the view of persons remarkable for the most varying conduct. When I heard the honourable baronet express a doubt, whether his motion would be seconded, I confess that I felt a particular surprise; but when that doubt was removed by finding a seconder in my right honourable friend, my surprise was of a different description.

But the House must be generally surprised at the nature of the honourable baronet's motion, and at the manner in which it has been supported—at the attempt made to impute inconsistency to those who dissent from that motion, after the House had, by no very equivocal majorities, determined in favour of the principle of the bill brought forward by my right honourable friend—at the effort to arraign the conduct of the House itself in these determinations, and also the proceedings of the committee engaged in the difficult and sacred duty of framing this bill. The House and the country cannot fail to see the tendency of the honourable baronet's motion. It is indeed visible to the world. It calls upon the House to retrace its steps. It in fact proposes, by ambiguous words, to effect a purpose which cannot but be plainly understood. (*loud cries of hear, hear!*) There is one language proper to be used within the doors of this House, and another without; and I would appeal to the lowest intellect in the country, nay, I would ask the most drivelling idiot, whether this motion, however innocent its author, or disguised its character, could have any other purpose than to defeat the object of the bill to which it referred? (*hear, hear!*) I am, however, persuaded that the honourable baronet does not see his motion in this light, for his opinions in support of the catholic cause are on record. But in this persuasion, however, I am bearing testimony to his innocence at the expense of that which I should not dwell upon, if it were not vindicated by so many publications—I mean his understanding. (*a laugh!*) Yet the honourable baronet was loudly cheered; and should his motion succeed, those who cheered would no doubt indemnify themselves out of doors for their acclamations within, in unrestrained laughter and exulting triumph upon the retardation of the bill. The honourable baronet tells you that you ought to have all the information connected with the catholic religion, before you agree to a bill, upon the principle of which you have already decided, and he says that he has thought so for eight years. So the honourable baronet now came forward full fraught with all the ripeness of a thought, which is no doubt worthy of the soil which gave it birth. For to attain the information desired by the honourable baronet, a circuit of the world must be taken—every quarter where the catholic religion is known must be explored; and yet I cannot imagine how such an inquiry is to be prosecuted, or by what process this House or its com-

mittee can reach the information sought for. My right honourable friend's desire for delay would no doubt be fully gratified if the progress of the bill were to be suspended until returns could be had from Africa—from our various colonies—until the practice and effect of the catholic religion in Canada were ascertained—until commissioners were sent out there for the purpose, (and I should recommend the honourable baronet himself as one of the most eligible commissioners to be selected, if in the appointment I should not have to deplore his absence from this House). (*a laugh*). But the inquiry as to our colonies would form a small branch of the investigation, which, to be complete, must go considerably farther. The committee must continue its office, and the bill stand still until the Archbishop of Mohilow was brought for examination—(*a laugh*)—and here I would again ask, can this and other catholic personages be called before the proposed committee, whom no process of that House could reach? But in addition to other articles of intelligence, the honourable baronet himself would, no doubt, appear before the committee, full fraught with all the well-selected stories of his own mind and the bursting contents of his box—(*a loud laugh*—Sir J. C. Hippisley having a large box on the table before him.) Looking indeed at the honourable baronet's motion, as it had been announced, it is impossible to say where his proposed inquiry is to terminate; for after a long statement about theological controversy and other matters, I find a saving clause as follows, "Sir J. H. proposes to move for various other papers," which calls to my recollection a voluminous treatise, published by the learned Smalfigundus, entitled *De Omnibus Rebus*, in the postscript *De Quibusdam Aliis*—(*a loud laugh.*) But the quantity of reading necessary to become qualified for the investigation proposed by the honourable baronet is quite extraordinary—and the honourable baronet's case was no clue whatever as to that quantity. Indeed these gentlemen must be deluded who would take that case as any criterion. For before any gentleman could go adequately qualified into the committee, he would be under the necessity of reading the productions of various catholic divines, to the extent of about 190 volumes in folio —(*a laugh.*) But before one entered the room, certain works upon theology must be carefully studied, for even elementary instruction; first the Tracts of St. Augustine, who was described as *Doctor Ecclesiæ Mirabilis*, compre-

hending several volumes in folio; then those of Thomas Aquinas, who was denominated *Doctor Angelicus, Aquila Theologorum.* Indeed this writer was so admired, that, adopting the notion of the transmigration of souls, it was said by his admirers, *Animam divi Augustini migrasse in Thomam.* But after this writer, whose soul had perhaps been transferred to the honourable baronet, whose works amounted to 15 vols. in folio, would come Dun Scotus, who was described as *Doctor Subtilis.* Now this Doctor and Thomas Aquinas being quite opposed to each other, must expose the reader to some difficulty and confusion. Indeed the two Doctors were at it tooth and nail, as directly opposed to each other as the honourable baronet and his seconder have ever been until this night. But following these writers, who must be consulted before, as the honourble boronet expressed himself, any one could step over the threshold to the proposed investigation, we must resort to Bellarmine, another luminary of the church, who opposes both Aquinas and Scotus, and who wrote, *In Ea Potestate Pontificum in Secularibus.* Bellarmine again is opposed by Dr. Milner, and the learned Doctor is opposed by the honourable baronet. Then amidst such opposition and contradiction, how is the committee to decide? But in addition to the works I have mentioned, I have another, which must be particularly inspected, namely, *Tractatus Tractatuum Ecclesia*, comprehended in 29 volumes in folio. Still, after reading all these books, the committee, to attain all the honourable baronet's objects, would be under the necessity of resorting to the examination of numerous individuals, in order to ascertain the universal practice of the catholic church. But how could the Archbishop of Mohilow be brought before a committee of the House? Nay, in consistency with the honourable baronet's object, the pope himself should be forthcoming, and your mace could not, I fancy, bring him. Yet his examination would be very material, in order to show the existing practice of the church, and also to try what new regulation his holiness would be willing to make, with a view to the conclusion of a *concordat* with this country for the future government of our catholic fellow-subjects. (*a laugh, and hear!*) Here the right honourable gentleman proceeded to animadvert upon certain passages in the honourable baronet's speech, in which, with all his eagerness to obtain information from distant parts of the globe, he neglected to consult more material information at home. This neglect he par-

ticularly instanced in the honourable baronet's reference to the mayor and aldermen of London, who were not liable to go in procession to a catholic chapel, as the honourable baronet apprehended might be the consequence of the bill; because, by a law of the 5th of George I. any corporate officers who should proceed with their official paraphernalia, as the honourable baronet described, to any other place of worship than that of the church of England, would be subject to certain penalties, and this statute was left untouched by the bill. Therefore the honourable baronet's apprehension was wholly unfounded. He had, he declared, watched his right honourable friend's speech with the utmost attention in his power, and he discovered but one point entitled to particular attention, and that related to the establishment of a society of Jesuits in this country, which had been stated by the honourable baronet. But from this fact he derived an argument directly opposite to that advanced by his right honourable friend. For the very circumstance of such an establishment, communicated for the first time this night to the government, by an individual in that interest, merely to make a point in debate, manifested the defective state of the laws affecting this question; yet in that state his honourable friend would agree to no change, although a society was established in this country, after having been abolished in every popish country in Europe. Still his honourable friend saw no necessity, either for the safety of the protestant, or the good government of the catholic, to make any change in those laws under which the establishment of a society of Jesuits existed in the country. This fact, however, the right honourable gentleman declared to be the only point of interest which he had discovered in the well-known speech of the honourable baronet—in that speech which had been so often repeated with a view to persuade the House to acquiesce in the claims of the catholics, although to-night brought forward for a very different purpose. With respect to his right honourable friend's allusion to the comparative number of catholics in England who had within the last 20 years taken the oaths prescribed in the law for the relief of that body, the right honourable gentleman thought that fact, admitting its correctness, furnished no valid objection to the cause of the catholics. For the statute containing those oaths presented nothing imperative. It was a law for granting certain immunities upon certain condi-

tions, among which conditions were those oaths, and those who did not seek the immunities did not comply with the conditions. But would any considerate man seriously maintain, that the neglect to take certain oaths of a public nature furnished any evidence against the loyalty of any man or body of men? If indeed such a criterion of loyalty were established, how many persons would unjustly suffer? Suppose, in the case of protestants, that a return was ordered of the number who in the several districts had taken the oath of allegiance, and that in any particular district none, or but few, were found to have taken that oath, would any rational being propose, that such district should be placed under military superintendance? Certainly not. Then upon what principle could any portion of the catholics, for omitting some oaths which were in fact not oaths of infliction but of qualification? Indeed the law contained nothing imperative upon the subject. But the bill under consideration was, perhaps, the first measure on record containing an imperative provision with respect to oaths, providing, as it did, that the catholic clergy of Ireland should take a certain oath, without any reference to immunity, or any object of personal advantage to the individual to whom the imperative provision applied. The animadversion of his right honourable friend, which he considered quite unjust with regard to the English catholics, was totally inapplicable to the catholics of Ireland, because there the elective franchise was exercised by them, and thus the occasion occurred in which the oaths prescribed by the law are administered. But by many persons, even in high official stations, were some public oaths omitted, else why the annual indemnity bill for those who had omitted to qualify? There was, however, too often one judgment for ourselves and another for others. Possibly his right honourable friend himself might find, upon consulting his memory, that he had fallen into some omissions upon this score. Reverting to the motion, the right honourable gentleman exhorted all those who had voted for, and wished success to the catholic cause, to resist it. For let no one console himself in thinking that the adoption of this motion would not have an hostile effect. Let not then the advocates for the catholic cause allow themselves to descend from the pinnacle on which they were now placed, and which commanded a view of the affection, the harmony, and the gratitude of their catholic fellow-subjects, by

acquiescing in this motion. For they might be assured, that if once they descended, it would be difficult, if not impossible, to return to the height—that ground once lost was not easily recovered—that there was a tide in the affairs of men, in the height of which the catholic advocates were now riding, and through which they might calculate upon safely reaching their object—of allaying the heats and animosities which had so long agitated Ireland—which had so long distracted the mind, and so much enervated the means of the Empire. (*hear*!) He conjured, therefore, the friends of harmony not now to stop short in their career, nor to allow any expedient or artifice to withdraw them from the accomplishment of their object, at a period too when the ends of reconciliation and union were stretched out and nearly touching that sacred object. Surely no impediment should be thrown in the way of such a purpose, and upon such frivolous ground as the insertion of an intemperate paragraph in the most intemperate publication in Ireland. Yet it was remarkable, that although this paragraph, upon certain explanation, lost its mischievous character, those who before dwelt upon it, appeared to regret the explanation and its effect. They seemed in fact to repine at the disappointment of a treason missed (*hear, hear*!)—at the privation of a topic for inflaming or exciting prejudices against the catholic cause. But the catholics, whatever their conduct, were still subjects of censure and complaint. We were always *right* in our opinion, say some gentlemen, for last year we opposed an inquiry into the case of the catholics, and they were discontented, and this year we support inquiry, they are discontented also. Really then nothing can please these Irish papists. (*a laugh, and hear*!) But much had intervened since last year to raise the expectations of the catholics. A majority of that House had voted for the consideration of their case; and notwithstanding a dissolution, from which, perhaps, a different result was expected, the House still supported the cause, redeeming the pledge of their predecessors. But what said the guardians of the constitution now? Why, that as they cannot resist a measure, directly and openly, to the principle of which the House stood pledged, they would endeavour to get rid of it by a side-wind. (*hear, hear*!) Well, how to proceed required consideration, and he should have expected the selection for their purpose, of some individual of splendid talents, high character, and great authority—of some one novel to the House and unpledged; but instead of some

such aërial creature of imaginary perfection, they found their hero on the opposite side of the House. They found one who had always supported the cause, and yet was now the advocate of those who maintained that there was no necessity for any change in the laws affecting the catholic body, and this too after the speaker of that House, and the honourable member for the university of Oxford, had stated their opinion that the laws could not remain as they were. As to the desire for a committee of inquiry now, by those who before maintained that it was more desirable to have the House at once presented with a bill descriptive of what was wished by the catholic advocates, the right honourable gentleman illustrated their inconsistency in a strain of peculiar felicity. Lord Liverpool, to his honour, had declared, let Parliament once grant the principle, and I will never be so shabby as to quarrel about the details. If this bill should pass into the other House, and if any one should rise up on the opposite side to get rid of it by indirect means, by an indefinite proposal of delay, he was sure that noble Lord would reject the proposal with scorn. Well, the honourable member had now got to his bill, and one gentleman complains of hasty and precipitation—another, of delay in bringing it forward. It had been stated that his honourable friend had given notice that he should bring his bill forward before the recess. No such thing: he had said, indeed, that if he would get it through the second reading, and so substantiated into a legislative measure before the recess, he should be glad to have it printed and circulated, that gentlemen might be in possession of the contents. But in consequence of the press of business, and particularly of the inquiry into East India affairs, it was found impossible to get it farther than to the first reading, and nothing would have been more improper than to send it out to the world in that imperfect and immature state. Least of all, had the proposer of the present motion any right to complain of the time fixed for the second reading, for the day had been fixed by himself. In fact, the opposers of the bill could not charge those who supported it, either with wilful delay or presumptuous precipitation; it had proceeded at the accustomed pace, and if a motion like the present for previous inquiry ought to have originated at all, certainly the second reading was not the stage of the bill the most proper for this purpose. So far as they had gone, difficulties had vanished, not before vague inquiries into Africa and America, but before discussion, the

legitimate mode of proceeding in that House: and he conceived, that by pursuing the same course, difficulties would gradually disappear, and the public mind become entirely satisfied; not that it would not still be at any time possible to hire a corner in some venal newspaper, to undo the work of legislation, and restore the Empire to disorder! Mr. Canning said, he did not wish to weary the House, (*hear, hear!*) but he would shortly state the point at which they had arrived. The principle which the resolution of the House had recognised, and which the committee had sanctioned, was this, that it was expedient to afford substantial relief to the catholics, with certain exceptions, and under certain regulations. Now, if the honourable framer of the bill, instead of bringing forward exceptions and regulations, had dealt altogether in abstract rights and universal propositions, it might have been objected that he had out-gone the principle on which the measure professed to be founded. But he had not certainly gone into any extreme of that kind; from his more general intercourse with that part of the community, from viewing the subject nearer, he had conceived that the catholics would be satisfied with restrictions which he himself (Mr. Canning) should not have ventured to propose. The amendments which he had wished to introduce into the bill, he had given into the hands of the honourable member (Mr. Grattan); and if he had thought proper to adopt them, he should have given his most cordial support to the measure, without indulging the poor ambition of vindicating any part of it as peculiarly his own. There were three points, to which, in considering the object of security, it was necessary to look. The first was, the propriety of ascertaining the loyalty of the catholic population; the second was the prevention of foreign interference; the third object, which had not yet been sufficiently attended to, was the finding some security that our concessions to the catholic body should not be thrown away, but should be met by a corresponding spirit of conciliation on their part, so that they should not at the same time reap the advantages of our beneficence, and scorn their benefactors. On the first point, as connected with the subject of the *veto*, he had given no opinion, nor was it now before the House, but he would say thus much, that the more he considered it, the less satisfied he was with it, not on catholic but on protestant grounds. He conceived that the nomination of the bishops might be essential, if it was intended to put the catholic

clergy on the footing of a state establishment, to plant and foster a catholic hierarchy; and this seemed (as far as he could understand him) to be the plan of the honourable baronet; but it was not his (Mr. Canning's) plan, nor was he bound to enter into the question. But the object of the present bill was to admit the catholic population to a participation of civil franchises, without inquiry into the state of the clergy, provided only they were good and loyal subjects; and therefore in his opinion, *testimony* and not *nomination* was what the House should require. The honourable baronet, in the learned part of his speech, on which he wished to touch as lightly as possible, had told them that the Irish clergy are now often nominated *uncanonically*. What did he care if they were? What cared the House? What cared any man living, except perhaps the bishop who lost the benefit of their nomination? Unless they wished to gild the bishop's mitre, to endow him with advowsons, why trouble themselves about the arguments of Columbanus (though he forgot which side he was of), whether the clergy were nominated by a bishop or by a dean and chapter? At present, if they could have testimony that the person chosen (no matter by whom) was a peaceful and well-disposed subject, this was all that was requisite. But grant the *veto*, and then indeed, it might be necessary to go into all the *minutiæ* of theological controversy; that the crown or its ministers should become masters of the *Magnum Bullarium*, of *Gratianus de Concordantiâ*, and fill their minds with all the learning which the honourable baronet had for the last eight years been at so much laudable pains in acquiring. Testimony to the character and loyalty of the catholic clergy being then, in his view of the subject, what was chiefly required, the next question was, how it was to be obtained? And this he believed would be best collected, like the knowledge of character in all other cases, from those who were personally acquainted with the catholic clergy, from those of their own persuasion, from the class into which they were about to be elevated. The difference between his plan and that of the *veto* would be, that upon the one, this information would be collected privately and anonymously, and upon the other, from acknowledged and regular sources. But he might be asked, what security he had to offer for the respectability of these sources of information?—and he would answer, that it was his intention to fill up the blanks in the

bill with the names of the five catholic peers, whom he wished to constitute into a commission for this purpose, and to invest with such a responsibility. In giving them the highest privileges of the peerage, he thought it but right to call upon them, who were the grace, the ornament, and the strength of the state, to defend it against the possible machinations of disloyal men. This was his plan, and unless something better could be proposed, he might say, according to the Latin adage, "*His utere mecum.*" The honourable baronet had his plan also; but he kept it in his box, and did not tell them what it was. And it was worth remarking, that those who contended that no alteration could take place, that no change could be suffered in the existing laws, grounded themselves on the necessity of preventing foreign interference; yet it appeared from the honourable baronet's information, that the existing laws were insufficient for this purpose. The only question, therefore, seemed to be whether the House would accept of this plan for preventing the evil, or by rejecting the bill make the illicit correspondence between the catholics and the court of Rome immortal? Either the opposers of the bill would be driven to this dilemma, or they must avow that they had some measure of unmitigated severity in contemplation, and then the point would be, whether the severity would be more effectual without the boon of emancipation; or whether we should take advantage of the boon with which we accompanied it, to make the severity palatable? He was not so blindly bigoted to his own opinions, as not to change them if good reasons were offered against them; the committee would, however, be the place to inquire into these and other details. At any rate, security to the state, whatever course were pursued, ought no longer to slumber in obsolete black-letter. [Here Dr. Duigenan rose to make some observation, but there being a loud cry of *order*, *order*! the Doctor sat down, and Mr. Canning proceeded.] The third point to which he should now come, was the obtaining some pledge that our concessions to the catholics should not be thrown away—that they should be received in the same spirit in which they were accorded. And how was this to be attained? Why, by an enactment. Let it be declared in the bill, that when the lay catholic commissioners shall meet and accept the bill, from that moment, and not till then, shall its provisions begin to operate. Thus the efficacy of the act, and their acceptance of it, will become identical.

So far as he had had any communication with the leaders of the catholic body in this country, he had every reason to believe that they would cordially agree to these conditions. With respect to Ireland, he had not the same means of information; but he had little hesitation in stating his confidence, that though objections might come from that quarter, they would not be made contumaciously, or in a spirit of defiance. There might, indeed, be one or two turbulent spirits always ready to interpose between the wish and the will of the House, and a measure of final adjustment; but he did not think that those in the House who defeated this measure would be able to throw any large share of responsibility on those out of the House who might assist their project. If the measure was to be defeated, let it be defeated in the face of day, and not in this mist and haze of uncertainty, which, as Homer says, is "better than night to those who have evil designs." He should be sorry that the honourable baronet should go away with a consciousness that he had defeated the object of catholic emancipation; and that he had defeated it by a fraud. He should regret the success of the honourable baronet's motion, for the sake of his own feelings hereafter; for in throwing himself in the way of the blow, he still professed himself friendly to the assassin. If he (Sir J. C. Hippisley) really thought that the principle of this bill could not be granted, and that we must rest contented with a wretched anomaly of tattered legislation—that we must repose among the ruins and falling pillars of a decayed constitution, let him come boldly forward and say so; but let him no longer deceive himself or the House with equivocal professions of sincerity in a cause which he betrays. Really this plan or evasion of the honourable baronet put him in mind of something we had read of in the Arabian Nights, where a great magician is to fetch some charm or talisman from a cave in Africa: we are to stand still and wait, nobody knows how long, till the modern Sinbad returns from his voyage round the world with *security*. The honourable mover had boasted of his consistency: he had been consistent in looking at details, while others had been looking at principles; he had grasped at the little, and pried into the obscure, with meritorious and characteristic pertinacity, but he had at the same time neglected what was most striking and most important; and now that they were advancing rapidly to the great object they had so long had in view, he called out to them to stop

to pick up some bundle of musty papers, or a copy of some popish divine, that had been dropped on the road. Like Coriolanus, this new leader of the Volsci had thrown his sword into the scale of the enemy; but now that he had made his old friends feel its importance and its weight, he hoped he would be satisfied, that he would quit his Volscian allies, and return to the cause which languished for his support.

Mr. B. Bathurst saw no particular advantage which those, who like himself, were unfavourable to the principle of the bill, would derive in taking up the question of the honourable baronet. It would be better for them to take it up on general grounds. But when an opportunity like the present came in their way, there was no reason why they should not take advantage of it. The charge of inconsistency brought forward by the right honourable gentleman was altogether unfounded; this was an argument, which, if good for any thing, might be used as well against him as for him. The right honourable gentleman formerly voted for inquiry into the state of the laws affecting the catholics, and he now deprecated all inquiry; yet nobody had charged the right honourable gentleman with inconsistency. The fact was, a change had taken place since the period alluded to. Now that the House had entertained the question, they might with propriety vote for going into any legitimate inquiry, whereas, before they opposed inquiry, because it pledged the House to the adoption of subsequent measures. Besides, any gentleman who voted for the committee might, without inconsistency, now say, the safeguards I expected are not to be found in the bill, and therefore I shall withdraw my sanction. The question now was, whether the topics suggested by the honourable baronet were worthy of the consideration of the House. It was impossible to deny that the most, if not all of these topics, were seriously deserving of notice; and all the ridicule of the right honourable gentleman about the huge folios, and the going round the circuit of the world, was entirely humour misplaced. It was easy to cut down existing regulations, but more difficult to supply their place. The two months occupied in framing this bill were, therefore, spent in devising what could not deserve the name of securities. Things, however, could not remain on the footing in which they at present stood. The laws against the catholics might be too severe, perhaps, to be effective; but others might be

substituted to them, adopted to meet the alteration of the times. The motion of the honourable baronet was not involved in discussion of dogmata, but an inquiry into matters of regulation.

Lord Dysart thought, that in legislating on this as well as on every other subject of importance, inquiry ought to precede enactment. He saw nothing unjust or unfair in supporting such an inquiry. He would ask any man who should look into this bill, if it was at all calculated to put an end to contests or allay animosities? It merely did away the disabilities affecting the catholics. But the system, to be complete, ought to be carried into a variety of details, with respect to which they were in want of the requisite information.

Lord Castlereagh would not enter into any general discussion at the present moment, as he intended to avail himself of another occasion for stating his general view of the bill. He confessed he augured favourably to the measure, from that spirit of conciliation which had been lately displayed by the catholic body. Although he had no hesitation in saying that he supported the general principle of the bill, there were some points on which he entertained a difference of opinion with the framers of it, and he was anxious therefore for an opportunity, in some stage of the bill, of having his ideas discussed. If he thought the going into a committee necessary for the procuring of information to enable the House to form a correct opinion on this question, however much he might regret that such information was not earlier obtained, still, in a fundamental measure, of the nature of the present, where the greatest interests of the state were involved, such a sacrifice ought to be made. But on the eminence on which the question stood at present, enough was admitted by all parties to enable Parliament to legislate on the subject. He should regret the interposition of delay at this important crisis. Delay, unless it was essential to deliberation, could only be injurious and mischievous, and standing in the way of coming to an understanding with the catholic body in the present session. The information wished for by the honourable baronet, could not be possibly brought forward within any time which would admit of the ascertaining any such topic. Though the motion of the honourable baronet did not embrace dogmatical points, yet he seemed to have a conception, when pointing out the errors of the bishops, that it would have

the effect of giving a turn of this nature to the discussion. The catholic religion was a matter of state regulation in every country of Europe, with respect to the appointment of the superior clergy, both in catholic and protestant states. To go into a committee to establish that point, would be calling in question that which was not a matter of doubt; and with respect to our colonies, it was perfectly notorious that the see of Rome submitted to the appointment of catholic bishops by the government of this country. When he was colonial secretary of state, the respectable person who now holds the situation of bishop in Malta was nominated by his Majesty to it, and afterwards received canonical induction from the see of Rome. He was anxious, if the catholics were prepared at present to go along with the state, that a moment so auspicious should not be lost. If they were ready to go along with the legislature, this was the most auspicious moment that the British Empire had witnessed for the accomplishment of a measure like that now under contemplation. It was impossible for the catholics to conceive that the legislature could be influenced by any other considerations but that of a sincere desire to better their situation. We were not now in dread of French invasion—the country stood, perhaps, on a higher pinnacle of national glory at the present moment, than it had ever before stood on.

Mr. Canning explained. He said, he was as determined as the noble Lord could be, if the catholic board should refuse the conditions of the boon, to take his stand with Parliament as firmly as if he had never advocated the cause of the catholics.

Sir J. C. Hippisley shortly replied.

The House then divided, and when the contents in favour of Sir J. C. Hippisley's motion were in the lobby,

Mr. Yorke addressed them, begging, as the second reading of the bill would in all probability take place immediately, that none of the members would leave the House.

For the amendment to pass to the order of the day	235
Against it - - - - - - - - -	187
Majority against Sir J. C. Hippisley's motion	48

The second reading of the bill was fixed for Thursday, and the House adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 12.

Petitions were presented by Lord Suffield from the ship-builders of Yarmouth (Norfolk) against admitting ships built in Asia to British registry; by Lord Percy, from Alnwick, for facilitating the introduction of Christian knowledge into India; and by Earl Fortescue, from Devonshire, in favour of the catholic claims.—Ordered to lie on the table.

The last petition gave rise to some conversation between Lord Rolle, Lord Boringdon, and Earl Fortescue; Lord Rolle contending that the petition he lately presented from Devonshire expressed the sense of the county, which was against any further concessions to the catholics. Earl Fortescue observed, that each petition was merely that of those who signed it.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 12.

DEPUTY REMEMBRANCER OF THE EXCHEQUER'S BILL.

Mr. H. Martin said, that the order of the day for the further consideration of the report on the deputy remembrancer of the exchequer's bill could not then be entered upon conveniently, as the chancellor of the exchequer had not yet decided upon it. He should therefore move that it be postponed, under the understanding that his right honourable friend would by that day week have made up his mind either to support or oppose it.

Mr. Vansittart said, that he would pay all the attention in his power to the subject.

The order was postponed.

PROTHONOTARY OF THE PALACE COURT.

Mr. Brand, in pursuance of his notice, rose to submit a motion to the House on the petition of a person of the name of Crutchley, formerly prothonotary of the palace

court. He entered at length into a detail of the various complaints of Mr. Crutchley against Mr. Burton Morris, the judge of the court, the abstract of which was, that the latter gentleman, on receiving his appointment from Lord Aylesford, the lord steward, on the 25th February, 1811, raised the fees of the court, which had not been regulated since the patent of its constitution was granted by Charles I. By this innovation Mr. Morris gained about 500*l.* per annum; and in the whole, the increase of emolument to the various officers was about 2000*l.* This alteration of the fundamental regulations of the court, however, did not please Mr. Crutchley, the prothonotary, who objected to exact the new demands, and the animosity between the judge and this officer was augmented by a previous dispute respecting some fees received by Mr. Crutchley after the appointment of Mr. Morris, but previous to the administration of the oaths. A variety of hostile proceedings followed; the lord steward and the knight marshal, Sir J. B. Burgess, met upon the subject, and the termination was the dismissal of Mr. Crutchley from his office. Under these circumstances, his petition, after a series of charges of extortion against the judge, prayed that an inquiry might be instituted before a select committee, that the true state of the case might be ascertained and relief afforded. Mr. Brand therefore moved for the appointment of such committee.

Mr. Raine, at some length, justified the conduct of Mr. Morris, and in the first place complained of the disrespectful and gross terms in which the petition was couched. He denied that any parliamentary ground had been laid for inquiry, although Mr. Morris was not only willing, but anxious to have the matter sifted to the bottom in all its bearings, that the conduct of Mr. Crutchley might be duly appreciated. He insisted that Mr. Morris, as judge, had a right to raise the fees, and that the patent of King Charles I. establishing their amount, was illegal: to support this opinion, he quoted Cole, Croke, and Keeling: he also referred to the practice of Lord Hardwicke, who had increased the amount of various fees he was to receive. He opposed the committee, because Mr. Crutchley had a more regular remedy by *scire facias*, or by action.

Sir F. Flood supported the committee, because he felt it necessary for the vindication of Mr. Burton Morris.

Mr. Wrottesley stated, that he knew it to be the anxious

wish of the honourable and learned gentleman (Mr. Burton Morris) that the inquiry should be gone into; and for his own part, he was conscious he would come out of that inquiry as pure as any person that ever was the subject of one. He should therefore vote for the committee.

Mr. W. Wynne said, he really did not feel himself competent to give any opinion upon the subject. He certainly wished that House to be thrown wide open to petitioners; he wished the people to consider it as the last resort when redress could nowhere else be had; but, on the other hand, their time was too important and valuable to be wasted with applications when redress could be had from other constituted authorities; and he wished much to know whether the charge contained in the petition was one that could be brought to trial by granting an information in the king's bench; if so, he should certainly vote against the committee.

Mr. Brand briefly replied, and observed, that the whole question turned upon, whether the patent of Charles I. limited the fees, or not?

Mr. Stephen thought there was nothing in the petition fit for the House to entertain. He apprehended there was a remedy for the petitioner in other courts; and that, for the sake of their own dignity and convenience, they ought not to entertain such petty circumstances.

Mr. Lockhart was not aware of any way in which the law could give relief; it might indeed give relief to the individual, but none to the public; and he thought it a great grievance in itself, that an individual should be forced to seek redress by an action in the court of king's bench. If there was corruption in the mode of taking the fees, then the king's bench might take cognizance of it, perhaps by granting an information; but if it was only erroneous, he apprehended it could not, and therefore it was a fit subject for Parliament; for how could corruption, supposing there were any, be proved?

The House then divided, when there were 16 in favour of the motion, and 2 against it; consequently, there not being 40 members present, the House adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 13.

Earl Grey presented a petition from Sunderland in favour of the propagation of the gospel. He said, if these petitions went merely to forward that laudable purpose, he should support them; but if the petitioners sought any powers to prevent the government from sending them back, in case they should abuse their license, he would oppose them.

The three insurance bills brought up by the Commons, were from the Norwich Insurance Society, the Hope and the Eagle Insurance Companies in London, praying leave to be empowered to sue, and be sued, by their secretaries.

Lord Redesdale observed, that the inconvenience of granting these powers would be, that if any one sued the secretary, and the secretary became insolvent, the plaintiff would lose the benefit of his judgment.

The bills were then read a first time.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 13.

SUGAR.

On the motion of the Chancellor of the Exchequer, the House went into a committee on the sugars imported from the conquered islands.

The Chancellor of the Exchequer said, that the object of the resolution which he had to propose, was to obtain a sufficient supply for the sugar market of this country. He was given to understand that the stock of sugars from our own colonies was very nearly exhausted, while there was no immediate prospect of supply; and this would produce a very inconvenient rise in the price of the article, unless the sugars of Martinique and Gaudaloupe were permitted to supply the deficiency, and enter into the consumption of this country. For the protection of our own West India planters, however, he meant that this should be only a temporary expedient. He concluded by moving, that the

sugars of the conquered colonies be admitted into the consumption of this country, on paying a duty of 5*s*. per cwt. more than British sugars; and that this regulation last as long as the average price of sugar was not lower than 58*s*. per cwt.

Mr. Ellis said, that as this was intended to be only a temporary expedient, he should not oppose it; but were it proposed as a permanent regulation, he should consider it as a breach of faith with our own West India planters. As to the small amount of British plantation sugar now in hand, it had arisen, not from any failure in the produce of our colonies, but from the delay in the conveyance of that produce, which had arisen from the arrangements of the admiralty in respect of convoys.

Mr. Marryat was unfriendly to the imposition of any additional duty on the foreign sugars, which, in that case, would be worth more for exportation than for home consumption, and therefore were not likely to come into the home market at all.

Mr. Baring approved of the resolution, because the country stood in that situation that it had not more than a fortnight's supply of our own colonial sugar. The planters of Martinique and Gaudaloupe laboured under great hardships, for the French government had discouraged the importation into France of the sugars of those islands, doubtless with a view to disgust them with our ascendancy.

Mr. Barham was not unfavourable to the measure; because, though the present deficiency in the supply of sugar might give high prices to a few planters and merchants, yet too great a rise of price was always ultimately injurious to the growers. The West India planters had been represented as a wealthy set of men, and possessed of great influence with the minister of the day; on the contrary, he thought they had been oppressed on every occasion, and by almost every body; and as to their wealth, the greater part of them had, within the last 10 years, been reduced to a state of absolute ruin.

Mr. W. Dundas wished to state, on the subject of West India convoys, that they had been regulated by the admiralty according to the wishes of the merchants themselves; and that there had not been the usual number of running ships, from the danger of falling into the hands of the American schooners.

The resolution was then agreed to, and the report ordered to be received to-morrow.

Lord Milton presented 22 petitions from Leeds and various other places in Yorkshire, praying that greater facilities might be given, in the new regulations for the government of India, for the propagation of Christianity in that part of the world. The noble Lord thought that these applications did honour to the zeal and benevolent views of the petitioners; but at the same time the subject was one which should be entertained with great caution, as nowhere were religious and political prejudices stronger than in India. He hoped, however, that the pious labours of missionaries would meet with no unnecessary obstructions.

Mr. Davies Giddy obtained leave to bring in a bill for procuring returns of all persons tried and convicted at the quarter sessions, and for taking away certain fees from clerks of the peace, and granting them compensation for the same.

Mr. Ryder waved moving the calling over the names of the defaulters of yesterday, as the call of the House was again to be enforced on Monday. His reason for persisting in moving the call of the House was, that as full an attendance as possible might be obtained during every part of the discussions on the bill now before the House.

CATHOLIC CLAIMS.

Mr. Grattan moved the order of the day for the second reading of the bill for the relief of roman catholics.

Dr. Duigenan rose. He considered this bill as a measure for the restoration of the popish religion in this country, and along with it the power of the pope. He adverted to a petition from certain protestants in Ireland, for granting every privilege to the catholics. He had read over the whole of it, and could say that the names attached to it did not amount to 4000, while the petitioners from Ireland against the catholic claims were more than 100,000. The name of the right honourable gentleman opposite (Mr. Grattan) stood third in the list on this petition, but it had not more than 300 respectable names attached to it, while among the rest might be seen the names of those who excited the revolutionary troubles in Ireland. The present bill was identically the same scheme as that of James II. for the introduction of popery. That scheme was sup-

ported by the same arguments of general conciliation, while in fact, from the very principles of the catholics, conciliation was impossible. The present bill, in fact, militated against the succession to the crown; for, as James lost his crown for a similar scheme, so, if this bill was a good one, he lost his crown unjustly, and the present royal family unjustly succeeded. The hostility of the catholics to the protestants was unchangeable and constant. Their doctrine was, that heretics were and ought to be exterminated by every good Roman catholic. They held that their church was infallible, and that its orders were for ever binding, unchanged, and unchangeable, and equally to be obeyed as the scriptures themselves. The decrees of their councils were held by them to be equally binding as the holy scriptures, and were strongly applauded by the present Roman catholic professor at Maynooth. Now what was the nature of those decrees which the Roman catholics still so much admired? What were the decrees of the council of Lateran? [Some person asked across the table, when it was held?]. It was held in 1215. (*a laugh.*) Gentlemen, before they laughed at these councils as antiquated, ought to consider that the Christian religion itself was considerably more antiquated; but he should be sorry that Christianity, because it was much older, should be abolished by the comparatively modern Anti-christ. How could they call these decrees antiquated, which the Roman catholic professor at Maynooth held up at this day to the admiration of his students? [The learned Doctor here read several passages from the decrees, particularly marking those parts which went to absolve subjects from their allegiance to heretical sovereigns, to excommunicate heretics, to render them infamous, and to deprive them of all privileges of suing at law, of being witnesses, &c.] These, then, were the decrees which the Roman catholics of this day declared to be unchanged and unchangeable; and yet it was proposed to pave the way for the catholics to Parliament and the bench! These were the decrees which they held as binding—immutable as the scriptures; and they were only prevented from acting upon them by their inability to carry their purposes into execution. It was utterly impossible to bind people of this description by any security. The priests, at their consecration, took an oath, by which they engaged to augment and promote the good of the Romish church, and to resist heretics and persecute them

to the utmost of their power! Could gentlemen really believe that they would keep the oath prescribed them by this bill, when they considered the nature of the oaths which they took in regard to their own church, out of the pale of which, according to the prominent doctrines of their religion, there was no salvation? Let gentlemen compare the engagements of the catholics to their own church, with the oath required by the bill, that no disloyal person should be recommended for appointment to their vacant sees; and when they had made the comparison, they might judge what was the value of this security. But since objections were made to the oldness of the council of Lateran, he would give them a more modern instance. The council of Constance assembled in 1414, and sat till 1418, and made decrees which were also highly applauded by the present catholic professor of Maynooth. Jerome of Prague and John Huss were brought before that council, and denounced as desperate heretics. They had come there under the promised protection of the Emperor Sigismund, who had engaged for their safe conduct to and from, and at the council. This he stated, but the council soon silenced his scruples, by passing a decree, that any engagement with heretics was to be considered as null and void, if the keeping it should be prejudicial to the interests of the church. The decrees of the council of Trent, which sat from 1545 to 1563, confirmed the decrees of the former councils; and yet these two were strongly recommended in 1809 by the Maynooth professor, *cum rationibus dogmatum*, &c. Jerome of Prague and his companion were burnt alive, in the presence of the Emperor, who had pledged his word for their safety. The council pronounced them heretics, and then delivered them over to the civil power; for they thought that by this contrivance they avoided all share in the crime. These were the unchangeable decrees which the professor defended in the fullest manner. Here, then, was a sect demanding of Parliament to admit them to all the privileges of protestants in a protestant country; a sect which still avowed and defended tenets and doctrines which must render them irreconcilable enemies to the protestants, and which was, besides, subject to a foreign power. But if, as they said, these decrees of councils were as unchangeable and binding as the holy scriptures, he again asked, by what oaths imposed by protestants could these people be bound? It was perfectly absurd to expect that they should consti-

tute any security whatever. Why did they not take the oath of supremacy? If they took that oath, there might perhaps be but little difference in that House on the subject. But then it was argued in their favour, that even their refusal to take that oath proved that they had a regard to oaths imposed by protestants; for nothing but such oaths had stood in the way of their attaining the object of their wishes. This, however, was easily explained. They made a distinction in their oaths. The oath of supremacy, for instance, related to an article of faith; and to take such an oath would be considered as an abjuration of their whole religion: but as to oaths to heretics, which did not relate to the disavowal of any article of their faith, these they would not be bound by. The Maynooth professor also allowed the pope's decrees to be infallible, unless they were opposed by the bishops. The catholics would take the oath in this bill without considering themselves at all bound, upon the authority of the infallible decrees of their popes and councils. Such were the doctrines maintained at this day, even by their own professor of theology. The catholic bishops were slaves to the pope, the priests to the bishops, the people to the priests, and the pope himself was the slave to Bonaparte. Was it consistent, that in a protestant country the pope should be allowed to have greater authority than even in catholic countries? Bonaparte, in his speech of 1809, had said, that the power claimed by the pope, a foreign sovereign, was contrary to the independence of France and the stability of the throne; and, in fact, the pope was permitted to exercise a much higher authority over the Irish Roman catholic clergy, than he was allowed to maintain over the clergy of France. Here, then, was a sect which would be satisfied with nothing short of placing the pope on one side of the throne, and giving him a share in the government of the country; and upon such a people they were talking of conferring political power, and aiming at conciliation, which was utterly impossible. They had a manual, indeed, which directed them not to tell lies, and enforced some other moral duties, but that related only to the Roman catholics themselves. To violate oaths imposed by heretics, when the good of their church required it, was with them neither a lie, nor breach of any moral duties. Such oaths, according to their doctrines, were absolute nullities. They thought that the protestant religion ought not even to be tolerated. Bonaparte

applied to the pope, with a view to have all sects tolerated in France, which the pope indignantly refused; and for this he was highly praised in a work in three volumes, lately published by a Mr. Keating or a Mr. Delahoy. The passage was to be found in the first volume, page 43. (*a laugh.*) The gentleman who had spoken so ably and wittily on the subject the other night, and amused the House so much, though, by the bye, he thought this no laughing matter, (*a laugh*), but on the contrary, the gravest and most important question that ever came before the House, this gentleman, who figured so remarkably for eloquence and wit and humour, quoted the opinion of Mr. Pitt, which, he said, was favourable to the catholic claims. But Mr. Pitt had never mentioned any specific plan: and from his opposition to the attempt of Mr. Fox, in 1790, to repeal the test and corporation acts, as well as from several other passages in his speeches, it was evident that Mr. Pitt could not have consented to have given political power to those whose principles were inveterately hostile to the British constitution. It had been said, that Mr. Pitt had authorised the publication of certain statements, that the ministry who went out in 1800 would not accept of any situation in the government, unless large concessions were made to the catholics. This, however, Mr. Pitt had openly denied; and Lord Cornwallis had stated, that he had not the authority of Mr. Pitt for the publication of any such resolution on the part of the ministry. Mr. Pitt was too wise a minister ever to have admitted to Parliament and the great offices of state those whose doctrines rendered it impossible for them to be loyal subjects. The learned Doctor next adverted to the account given of the numbers and strength of the catholics, in the publication called "A Statement of the Penal Laws," &c. which he represented as a daring manifesto, containing the most atrocious menaces. They calculated the protestant population of Ireland at 800,000, and the Roman catholic population at 5,000,000; whereas he should soon be able to show that the whole population amounted only to about 4,000,000. They stated the revenue of the Irish established church at 20 millions annually; whereas it was not more than 382,000*l.* They boasted of the greatness of the wealth and influence of the Roman catholics, who had not above a 50th part of the real property of the country, and not a 10th of the personal property. The income from the first-fruits they stated at

20,000*l.* He himself was a member of the first-fruits board, and he could affirm, from his own knowledge, that the income from this source was not above 400*l.* per annum. He adverted to these things merely to show the abominable falsehoods which these people published, in order to intimidate people to support their cause. As to the number of Roman catholic soldiers and sailors, instead of constituting one-half of our force, as had sometimes been stated, there was not in the army and navy, including militia, above one-eighth of the whole. A considerable misapprehension arose from considering the Irish as all Roman catholics; whereas the whole of the officers, and one-half of the soldiers, were Irish protestants. The cause of so many Roman catholics being found in the army was, that the condition of the soldier was so much more eligible than that of the Irish peasantry at home, that their priests could not prevent them from enlisting. He hoped no one would be induced to vote for this bill from the menacing tone of the catholics. If they dared to stir, they would be put down in a month, as they had been put down on a former occasion. The learned gentleman, reverting to the pope, observed that he was much more formidable as the slave of Bonaparte than when he was free. His spiritual authority was necessarily attended with civil influence, as any one must perceive, who considered the power of excommunication, and that over their sacrament of marriage. What security could the protestants have when these Roman catholics were admitted into Parliament, that they would not overturn all the oaths and other means which had been provided to secure their loyalty? Where could they stop if once they brought such a party into Parliament? That it would be a considerable party, he had no doubt. They could make plenty of 40*s.* freeholds. An acre of land was let out for one life: on this the peasant built a mud cottage, called there a cabin, the third wall of which was the side of a dry ditch (*a laugh*), and a hole was left at the top by way of chimney. This freehold was registered, the possessor swearing that it was worth 40*s.* a year to him after payment of his rent, though, in fact it was rented as high as it possibly could be, but then it was not paid in money but in labour. The catholics might by these means make as many freeholders as they chose, and he knew one county in which the number had been increased, in a great measure by this method, from 400 to 11,000. The elections would fall into the hands of

the meanest of the populace, and in less than 20 years the Roman catholics would return 60 out of the 100 members, while 30 would be added to the party in England. In all matters of religion they would stick close together like a cluster of bees. They would apply to the minister in a body, and say, "we shall carry this favourite measure of yours for you, provided you in return enable us to accomplish the object which we have in view." They would get possession of all the places of trust and profit in Ireland, but they would not stop there. The protestant petitions in favour of the Roman catholics were signed by many who had endeavoured to separate the two countries. The next step would be to repeal the union, by which they would have the whole representation of Ireland to themselves. They would then endeavour to separate Ireland from Great Britain by the power of France. This country would again have to send over an army to conquer Ireland. But if the separation should be effected, they ought to consider in time how Great Britain could stand alone in the present state of Europe. They ought to consider what might be the consequences of passing this bill. For his own part, he was an old man, beyond the usual age of man, according to the scripture, and had no chance of living to see these calamities: but he had a regard for the constitution, and for that reason he thought himself bound to give this warning. As a farther proof of the implacable and unvarying hostility of the Roman catholics to the crown and constitution of this country, he adverted to a meeting of the Irish Roman catholic clergy, which was held for the purpose of expressing their approbation of what the pope had done in favour of Bonaparte, whom we did not acknowledge as Emperor of the French, and with whom we were at war. This meeting was not called for by any usage or custom on such occasions; it was purely voluntary: and he did not know what could be its object, except to attempt the dissolution of the connection with Great Britain. What could be expected from people of this description. It had been argued, that as the elective franchise had been given to the Roman catholics, they ought not to withhold the representative privilege. But in his opinion, the argument proved the reverse of what those who urged it intended it should prove. If the possession of the elective franchise rendered it necessary for Roman catholics to have the representative privilege, then, in his opinion, they ought to be deprived even of the elective franchise. As to the Romanists abjuring

their allegiance to the pope, the decrees of the council of Constance would for ever prevent them. A great deal had been said about the opinion which many foreign catholic universities had given about certain points that were alleged to be tenets of their faith. He did not mind the opinions of those catholic universities. There were many instances of important cases left to their opinion, in which half of those universities were on one side, and half on the other. This was the case about the first marriage of Henry VIII. which was referred to them to say whether it was valid or not. About half of those universities were of opinion that the marriage was incestuous and bad; while the other half held that it was legal and valid. He then read some passages from Dr. Milner and Dr. Lanagan, to show how lightly they held oaths and promises; and then observed, "in short, there is no such thing as holding these people by any oaths." (*a laugh*). Among the securities proposed, was one which bound the clergy to elect none but loyal men for the nomination to the bishoprics. But how was it possible they could find those loyal men? for he would assert, that it was absolutely impossible for those people to be loyal subjects who were bound to the supremacy of the pope. The clauses, however, which the right honourable gentleman (Mr. Canning) had thought such ample security, were disapproved by the catholic clergy; and Dr. Tray had publicly said that he considered those clauses respecting the church as worse than the *veto*. What power would the King however have over the catholic bishops, if their nomination depended upon the certificates of loyalty given them by the five commissioners to be appointed? After a variety of other observations, he concluded by moving, that the second reading should be postponed to this day three months.

Mr. C. Grant had heard, in a former session, almost all the arguments which had been now repeated by the learned gentleman (Dr. Duigenan), and had then the satisfaction to hear them completely answered. If the learned gentleman complained of the tone assumed by the catholics, he thought that they had also some reason to complain of the very warlike tone that run through the speech of the learned gentleman. If it was true, that there was an absolute necessity for excluding so great a portion of our fellow-subjects from a full participation in our constitution, it would be a necessity much to be lamented, and which he could not speak of without regret. In the discussion of such a subject, he thought

that the prevailing spirit should be the common good, and that they should rather devise means to remedy the evil, and remove the necessity of such exclusion, than invent arguments to justify and perpetuate it. He could not assent to all those arguments which were drawn from the practice of the constitution, for he conceived that this exclusion of so large a class from the benefits of the constitution, was of itself a great deviation from the spirit of it; and could only be defended upon the ground of absolute necessity, if such necessity could be proved to exist. There certainly was nothing so amiable in the system pursued towards the catholics as to do much credit to the constitution. If it was contended that without such a system the constitution could not exist, this system had made a broad distinction between the different classes of subjects in the same community. It was not only a distinction which it made, but it caused the degradation of one portion, and the undue superiority of the other. It tended to produce a depression of mind and of spirit in the class that were degraded, and to prevent their exertions for their own welfare, and for the public good. It was not an insulated feeling which it produced, but it was a feeling loaded and sharpened with all that had been inflicted for ages. Every bad passion which was excited in the struggle of 1688, was now revived against the catholics of the present day, who were no parties to those proceedings. The malignant feeling, which, in those times of civil war, dictated the system by which the conquered were to be treated, was now upheld as an essential part of the constitution. That system had for a length of time inflicted a deep humiliation and disgrace upon the catholics of Ireland, while it perpetuated a vain triumph to those who chose to oppress them. This was not a generous or a wise policy. What were we to say of that feeling which actually trembled at the idea of ever removing from the catholics of Ireland those pains and penalties which had been inflicted upon their body above a century ago, during the angry feelings of a civil war? He thought that we should no longer suffer our code to be polluted by those penal acts, nor allow the bloody spoils of conquest to hang any longer round the altar of our beneficent constitution. (*hear, hear!*) While the catholics had been so long kept in a state of humiliation and depression, the watch-word of the party who kept them down was, "protestant ascendancy." If by those words were only meant the ascendancy of the laws in a protestant

state, where the established church was protestant, under a protestant King, then he could have no objection to them; but when the words "protestant ascendancy" were used, as they were too often, to signify a state of things where insult and humiliation were the lot of the catholic, and a vain and malignant triumph was always to be displayed by protestants, then, and in that sense, he could not approve of the words "protestant ascendancy;" he could not approve of the principle of treating the catholics for ever as a conquered people. This vindictive spirit had extended its malignant influence too far. The perpetuating a system of this sort was providing and preparing a permanent rallying point for every bad passion and malignant feeling. It would, in future, be impossible to touch any one chord of jealousy or irritation that would not vibrate through the whole of the system. If you were to awake but one ground of private irritation, you would exasperate a thousand jealousies, which were ever on the watch to rally round the great master-grievance. While a single fragment of the present system was suffered to remain, there would remain a root of disunion, which would be perpetually springing up. He thought that it should be completely overturned, and that we should plough up the foundations of it. As to the exclusion of the catholics from seats in Parliament, so far from considering it essential to the constitution, he thought it was a deviation from the first principles of the constitution, which allowed the people to choose their representatives. He believed that it had been stated, in the course of those discussions, that the lower class of the Irish catholics did not conceive themselves bound by any moral duty to obey the laws. If that were the case, to what cause could it be attributed? He must suppose that it proceeded from their feeling no identity of interests with their fellow-subjects, and that the laws never had flowed from themselves. The humiliation and depression of the catholics of Ireland, since the revolution, had been most remarkable. What a contrast was there between the great advancement and bright career of the protestants of this country since that period, and the misery which had been described as the present situation of the lower classes of Irish catholics? Those periods of our history which were the boast of this country, were periods of the greatest misfortune for Ireland. The reign of Elizabeth, the glory of this country, was to Ireland a reign of terror. Notwithstanding her attachment to Charles, she saw at the restoration preferences shown even to

the regicides. At the revolution, which in this country was held so glorious, and during the reign of Queen Anne, the catholics of Ireland only experienced additional penalties and restraints. What did they know of the constitution but the penalties and restraints it imposed upon them? They heard of corporate offices which were the objects of local ambition, but they could hold none of them. They heard of the trial by jury, but they were sure of seeing but few catholics on the juries. They had heard of the elective franchise, but were not allowed to send a man of their body to Parliament. How, then, could they be said to have any share in the constitution? Suppose the case had been reversed, and the catholics had been predominant in Ireland, and exercised their ascendancy, by excluding protestants, how great a loss would this country have sustained? In that case, the great services of Lord Wellington to this country, to Spain, and to the common cause, would have been lost: this House would never have been enlivened with the wit of a Sheridan,—they would never have heard that most eloquent speech which had been so highly applauded, [we believe the speech of Mr. Plunkett was here alluded to], nor would they have heard those frequent displays of eloquence which the right honourable mover of this bill (Mr. Grattan) had so often made upon this subject: and yet the present system goes to keep down and depress the spirit and the genius of the great majority of the population of Ireland,—to repress those passions which are now awake and struggling to be free,—to check and counteract the feelings of nature in the catholic bosom, and to prevent their exertions for their own honour and their country's good. The learned gentleman (Dr. Duigenan) had said that catholics were not bound by oaths, and yet their oaths are admitted in our courts of justice upon matters of the highest importance. He had said, that treaties with catholics were not to be depended on; and yet the treaty of Westphalia had been long kept by the catholic nations, although the pope expressly refused to acknowledge it. If it were stated to the House, that in times past a number of protestants had, under a catholic administration, been dragged to trial and execution, on the oaths of notoriously perjured witnesses,—if it were stated that a venerable peer had been so brought to trial; and that a catholic bishop, by the advice of a catholic judge, refused to divulge a circumstance which would have saved his life, how would the learned gentleman

cry out, "See the spirit of popery!" But when history, and a protestant historian, had told the story the other way, —when the catholic Lord Stafford was the person who so suffered, and Burnet was the bishop, nobody would then impute this to the protestant religion, but all would say, "See the spirit of those times!" And was it fair, now, against the catholics of the present day, to rake up the graves of those who were long since dead, and draw arguments from things that were past and forgotten? Was it fair now to sit in trial upon the catholics of the eleventh century, and give the verdict against the catholics of the nineteenth. (*hear, hear!*) The constitution of this country was to all intents and purposes protestant, as long as that is the established church, and the King is also a protestant. When he heard so much of the necessity of securities for the church, he thought that a very poor compliment was paid to the vigilance of the protestant clergymen. He should think, that the example of the living excellence of the clergy would be one of the best securities for the church. The shrine would be safe as long as the lamps were burning round it. Some persons contemplated the danger of the influence of the pope in Ireland: he could see none: but allowing, in spite of history, in spite of the guards provided against it, that such influence had been and will be used in that country, was it likely to be most powerful when the air, the soil, the cot of Irishmen were all tainted and affected by the servitude of disgraceful restrictions, or when they were all free? It was indeed possible to conceive another source of danger: a privy-councillor might be wicked and daring enough to introduce some scheme for the restoration of papacy; it was within the reach of possibility, that a sovereign might exist who would favour such a measure. Suppose such incredible things possible: and what then? The Parliament would still be at its post to watch over the constitution; and if that assembly should fail in its duty, there was the force of the whole nation in reserve, armed heart and hand against the introduction of popery on the throne and in the temple. But these were visionary alarms. On the other hand, was to be seen the eager and benevolent gratitude of a warm-hearted people, who would forget that the hand which healed, had ever inflicted a wound. (*hear, hear!*) He was ready to allow that there were some local irritations still existing in Ireland: it would be better if there were none: but this did not alter the main nature of the

question. The wrongs of Ireland were the same: the justice due to an injured people was the same. If he saw any reason to fear that the proposed measure would be wanting in efficacy, he would hesitate: but could it be supposed that Irishmen would refuse the boon that was offered to them, and consent to a voluntary exclusion from the constitution for ever? (*hear!*) The Parliament should, therefore, persevere in its course, neither startled by the vigilant fears of one party, nor discouraged by the disapprobation of those whose approbation would have been more grateful. They had to perform a great act of national atonement, from which nothing should divert them. There was one bright spot in the history of Ireland, and that was the reign of his present Majesty: it commenced with giving liberty to the Irish: let it, therefore, be graced with the consummation of the greatest blessing which could be granted to that nation. No prouder monument than this could be raised to the glory of the present Monarch. No better moment than now could be chosen for such a dispensation. The most odious system of tyranny in Europe seemed to be shaken: it was from us that the most determined and regular opposition was to be expected: our efforts must not spring from the mere ecstacy of the moment: we must fight it "to the utterance." Other nations might purchase an inglorious safety by their insignificance: for us there was no safety, unless we could drag at the wheels of our car of triumph the subjugated despotism of the continent. It was important, therefore, that all the power of the Empire should be disposable and effective; that nothing should remain which could disunite the strength, or separate the heart and affections of the nation. (*hear!*) If it were announced that there was accruing to the Empire an accession of four millions of men, it would be hailed as a special interposition of Providence. Such a treasure of genius, such a mine of power, was now opened: and could there be found those who could advise us to reject them? Lord Chatham had said, that he went to look for virtue in the mountains of Scotland, and had found it there: let us go and seek it in the marshes of Ireland, where it would be found to flourish in equal vigour and abundance. That virtue which we rejected, was hailed by foreign states as a more precious subsidy than silver or gold. It was a guilt and shame to any country to force its subjects to be heroes only as apostates and exiles. Could it be supposed that these men did not, in

their privacy, brood with regret over their fate, which suffered them to die the death of a hero, but forbade all hope to die the death of a patriot. (*hear, hear!*) In England, especially, what must be the feelings of some of that body of men, descended as they were from glorious ancestors, who had been loaded with honours before such honours were illegal—before it was criminal for a catholic to serve his country? What must be their feelings when they found the road to honourable exertion stopped by the barrier of the catholic code, and saw themselves condemned to obscurity and silence, and to transmit the same ignominious inheritance to posterity? (*cries of hear!*) What must a father feel, who had perhaps a son inspired with the noblest ambition, and gifted with the highest talents to reach the object at which he aimed, and yet sentenced to waste his youth and manhood in disgraceful ease? Let the House, then, listen to the voice of Nature, which here was the same as the voice of Policy, and abandon a system pregnant with private sorrow and public calamity. (*hear, hear!*) There were some persons sanguine enough to anticipate a perfect reconciliation between the catholic and protestant churches, and to imagine them actuated by the same views of religious benevolence: the prospect was pleasing, though he did not know that there were any very evident symptoms of such a happy result. But let us (said the honourable gentleman) perform our part: let us set the example of forbearance and good-will: let us show that our constitution is liberal, and anxious to sooth and unite: preferring, indeed, its own form and discipline of faith, but not armed with envenomed bigotry against another: founding its religion on truth—truth which is inseparable from charity—and willing and able to revolve with other systems round the one common centre of Christianity, with a harmony equal to that of the universe. (*hear, hear!*) Political measures in general were founded on expedients and ever-shifting circumstances: they were, therefore, fluctuating and short-lived as the origin from which they rose: but the system now proposed, erected as it was on the immutable basis of human nature, would be durable as the affections on which it was planted, and never-fading as the holy name of Charity with which it was inscribed. (*loud cries of hear! for a considerable time.*)

Sir Frederick Flood, speaking in favour of the bill, said, that its principle had been already recognised by a majority

of the House, and that its provisions ought not to be discussed now, but in the committee. He adverted to the change in the opinions of the honourable baronet, who had formerly advocated the cause of the catholics so ably, and whose speech, on a former occasion, had been praised and falsified by the Edinburgh Reviewers. (*a laugh.*) He commented with much severity on the speech of the right honourable Doctor, who, after embracing a catholic wife for 17 years, had shown so much ingratitude to a body of persons from whom he had selected the solace of his life. (*a laugh.*) He proceeded to show how little danger would ensue from the grant of the representative franchise, but was at length obliged to sit down, amid *cries of question!*

Lord Castlereagh rose and observed, that though he had expressed his readiness to favour the second reading of the bill, yet he would in this stage of the proceeding state his views of the subject, though somewhat in detail. As to the expediency of the present measure, nothing could be added to the glowing eloquence of his honourable friend who spoke last but one: it would not now be necessary to discuss that. The principle being agreed upon, he hoped and thought that it would not be difficult to adjust the details. He should now, therefore, offer his views in this stage, rather than in the committee, that such explanations might be made as might lead to an accommodation between himself and those persons to whom this bill appeared in the same important and necessary point of view. He approved of the discretion and delicacy of the framers of the bill, and thought they had done their duty in not referring to him in the first instance. Anxious as he was to give all the assistance in his power to this momentous measure, yet from difference of political views any intercourse between himself and those gentlemen might not have been useful. He felt it, however, to be proper to offer now a candid exposition of his principles: he might, perhaps, suggest something which they might be disposed to adopt in their great object of conciliating disagreeing interests. It was difficult to approach the existing laws on great fundamental points of the constitution, with a view of repealing them simply. The wisest course was to see what the catholics could be indulged in, notwithstanding any reproaches that might be cast on such a mode of legislation. This was the mode already acted upon in Ireland, in granting privileges to the catholics. It was the mode acted on in early periods, such

as in the statute of the 5th of Elizabeth, for the establishment of the supremacy, when the catholic peerage was kept out of the bill, the crown declaring its satisfaction with that part of the catholic body. He, therefore, approved of the discretion and judgment shown in the present bill. As to the policy of it, he should endeavour to state his views, distinguishing his difference of opinion from those of the framers. The measure was wise, under proper securities; and he wanted none which the religion of the catholics could not notoriously give to the state. The bill proceeded on the principle of granting all the powers of the constitution to catholics, with security to our church and state. The honourable mover felt it due to the church of England to secure it from all that might be prejudicial to it; and also to abstain from the interference of the protestant state with the spirituals of the catholic religion. But the very nature of the privileges to be conceded, and especially the legislative eligibility, might give a large share of authority, not merely in general interests, but particularly in the interests of the church, as connected with the state. That most desirable part of the measure, the bringing catholics into Parliament, would give them that power: they ought, therefore, to be prepared to expect some regulations. The concession and the power conferred were points not to be divorced. The oath was prescribed as the only means of security against all the dangers which were apprehended on various grounds. He (Lord C.) had not the slightest feeling of distrust, in these times, of the oaths of the catholics. They had shown their principles by their seclusion from offices, on account of their conscientious feelings respecting an oath. But he objected to making an oath the sole ground of security between catholic and protestant, and as meeting all probable dangers: this showed great poverty of legislation, and a want of knowledge of mankind; for society was not to be held together, crimes prevented, and the discharge of social and public duties enforced, by taking oaths, however honest, on the construction of the particular parties. Old honest prejudices must be consulted and combined for the welfare of society. Out of the conflict of various interests must be found the security for all. By the combining of different interests against each other, the general result was brought out, which conduced to the general welfare. Having no objection to the proposed oaths, yet he contended generally, that oaths were

not a sufficient guarantee against all dangers to society. He allowed that no oaths could be more comprehensive than those provided; and that the small number of those who had already taken them, formed no objection, since even here protestants who did not receive offices, did not qualify for them. The first oath was as much a security as an oath could be. The second oath to be proposed by a right honourable gentleman was fairly directed against all the dangers which his clauses were intended to meet. In every view his Lordship had taken of the question, he had gone beyond the simple security of an oath. When any set of men were to receive great advantages, they would be unwise to agitate the removal of the theoretical inconveniences, by which they might disturb the general temper, in seeming to extort that which they might, perhaps, gain easier at another time. In the case of the dissenters' bill, in a late session, he believed, that even as a conciliatory measure, had it been brought in at an inopportune moment, it might have disturbed the harmony of the country and the councils of state. Practical wisdom seemed to have been exceeded in one point. Nobody felt stronger than he did the impropriety of any law entirely precluding dissenters from holding offices: but he felt that there would be great reluctance to shake an ancient established law: and the dissenters obtained relief by annual parliamentary suspension, which they might not get by other means; and they had been for a long time, without, as far as he knew, sustaining any inconvenience from the test laws. He did not oppose the enjoyment of constitutional privileges by the catholics: but it was worthy of the right honourable gentleman's consideration, whether the repeal of the test laws should be agitated along with this measure. The case of the catholics did not precisely apply to the dissenters: yet it might be called an anomaly to refuse the repeal of the tests to the dissenters. It was of importance, therefore, to consider what might be the effect of the present proceedings. If the tests rested inconveniently on any portion of the King's subjects, he would encounter all the difficulties of a repeal; but he doubted the prudence of coupling it with this measure. In Ireland there was no test, but great numbers of catholics; in Scotland none, but very few catholics. The annual relief from the test laws might still be afforded, and the omission of them now might avoid a question inconvenient in this country. (*Something was said*

across the table.) If he was wrong in this view of the matter, he should be happy to be set right. The right honourable gentleman (Mr. Canning), in his proposed clauses, had fairly directed them towards two great fundamental dangers: that of foreign authority in spirituals, and that of such authority working by means inconsistent with the constitution and security of this country. He was not bigoted to any former notions, but he wished, consistently with his duty, fairly to examine how far his principles were satisfied by means conducive to the welfare and support of the state. He did not argue now on details, but it must not be expected of him to concede principles which were affected by details. From time to time he had alluded to the means to be employed, and he wished to show why he thought the proposed regulations would fall short of their object. He was always for making such provisions as would not wound the feelings of catholics, nor attempt to compel them to disclosures contrary to their religion: but he always desired to guard against the currency of the acts of a foreign power in this country operating in the nature of laws. He admitted that this was attempted in one clause; but if the right honourable gentleman and himself meant the same thing, he did not despair of their coming to an understanding upon it. He would state his own measure. He had always professed that he did not mean to exclude the acts of the see of Rome, such as bulls and rescripts; but he looked at their natural influence on men's minds, and on their temporal interests, as calling on us, not in unfair jealousy or hostile relations, to consider the practice of all other states, and of our own catholic ancestors, who were jealous of the encroachments of the see of Rome. We ought to take our remedy within the scale on which all nations had taken theirs against such encroachments. He was sure most catholics were too wise and too patriotic, not to be aware of such jealousies formerly, and now also, when the pope had ceased to be a free agent, and could no longer exercise forbearance towards this country; but had become, in fact, an instrument in the hand of our enemy. In what related to faith or discipline, or did not trench upon temporal matters, he agreed that it was not policy to interfere. As to controul over the appointment of high ecclesiastical officers, which was absolute in the Romish see, he was anxious not to claim any nomination, or any direct interference. How far the clauses

did interfere, was allother point. But he considered that the catholic clergy ought not to be left in a situation, in which they had two separate interests, arising from influence and duty; but that their interests should be made such as to reconcile their duties, both to their own country, and to the see of Rome. This had been his anxious wish; and which he once thought was near its accomplishment at the period of the union, when an arrangement was proposed for the clergy, satisfactory to them and to the state. He was sanguine in this expectation, having received, as far as the then government could give him, authority to promise an arrangement to the clergy, both of the catholics and the dissenters in Ireland. On the eve of the union he expected this, from the quality of the measure, as well as from his having been the channel of communication. He had asked of Lord Sidmouth's cabinet, whether these measures would be agreed to; and upon receiving an assurance that they would be so, and on that ground only, he consented to become a member of that cabinet. On communicating this to the catholic clergy, they informed him that their disposition was not changed, (the papers on this subject might be found in the secretary of state's office); but that they thought it would be discreditable to them, and unbecoming their character, if they embraced a separate exclusive advantage for themselves, while the catholic laity were smarting under the disappointment of their expectations. The measure would have been executed, but for the clergy thus declining it. He thought it would be the least revolting measure to the catholic mind; and that it would form, better than any dry authority, a counterbalance to the see of Rome. No security was better than such an independence in their own society, that foreign power was no object in their eyes. He knew no better mode of placing them above all suspicion in the eyes of the protestants, or of enabling them with advantage to discharge their duties. He thought this of so much importance, that he was anxious to state it, and he hoped the right honourable gentleman would weigh it carefully. He thought the catholics would not consider his views unreasonable, since he never dreamed of their doing more than the presbyterians, whose church systems were infinitely more republican, and therefore tending more to political inconvenience than a church purely monarchical, like that of Rome, which seemed thereby more compatible with the genius of

the constitution. He believed the crown had the power of refusing every presbyterian minister, on grounds of disloyalty, even after the recommendation of the synod, with respect to his receiving the endowment, according to what was established in Lord Hardwick's administration; but he believed no instance had yet occurred of a refusal by government. This provision was, he believed, 100*l.* a year at the highest; the scale descending. The catholics ought not to feel jealous of this measure, and alarm the public mind upon it. In no view ought they, unless they would refuse all connection with the state. If so, he understood them: but that would be different from their former disposition. He did not wish to extend this plan to all the various sects; but as it had been already done, the example ought to be followed with the catholics, which would relieve protestants from the fear of danger. The clergy had not deemed it inconsistent with their duty, but declined it from the respectable motive he had stated. It would give additional facilities to the admission of the whole body to the desired privileges. As to a regulation in direct appointments to ecclesiastical functions, he did not think any law could be advantageously exercised. He was not prepared to say that a regulation respecting the loyalty of ecclesiastics, should merely exist in a declaration of loyalty to the crown. He must be allowed to say, that the proposed commission created an authority inconsistent with the rights of the crown and the constitution, if he did not misconceive its tendency. He thought it would not answer its purpose; but if acted upon, would be worse than any system on more known and admitted principles. The commissioners were to act without any influence of the crown, save their nomination. They could not always have the means of exercising a sound discretion. The five respectable noblemen could not always know what was dangerous, for it was impossible that they could have the whole question brought before them in all its circumstances, in the full shape in which the crown could view it. In referring all such matters to those respectable persons, senior peers in both countries, it would be felt that they might sometimes have imposed upon them, what they could not do without great hardship. As the bill stood, they would be called on, not merely to give an opinion as to the qualifications of an individual, not for their authority respecting a person in an early stage, but at a late one, when the highest eccle-

siastical appointment was taking place. With all his respect for the character and integrity of the noble Lords who were, according to the right honourable gentleman's amendments, to be invested with the power of granting a testimonium to the catholic bishops, he could not but think that such a measure would go to the creation of a tribunal unknown to the constitution. It would, in fact, confer the power of appointing bishops at the will and caprice of individuals, divested of all responsibility, and not amenable to the crown or to parliament. It would be, to all intents and purposes, a permanent commission against the crown, without being subject to the controul of public opinion, or of the authority of that House. The right honourable gentleman would accomplish his object much better by proceeding according to the plain, clear, and recognised principles of the constitution. He did not wish to quarrel in the sentiments he was called upon to express with the principle of security itself, but with the fact that the provision was not accompanied with due and requisite responsibility. He would certainly prefer the appointment of commissioners directly and openly by the crown, but the right honourable gentleman's mode was a secrecy against the the crown, against the legislature, against all mankind. It tended to establish a new estate in the country, highly dangerous, and to transfer from a foreign power to a power within ourselves, a right of interference seriously detrimental to the catholic body itself and to the constitution. To the proposed testimonium or certificate, he should therefore decidedly object. When he looked to the question formerly, he considered that it was likely to take place as the result of the union, because that settlement was calculated to surmount many difficulties, to open new views, to enlarge the system of general policy, and to strengthen the means, and consolidate the prosperity of the Empire. While he lamented the difficulties which then existed and opposed the completion of the measure, he thought, at the same time, that the period would arrive, when the legislature might be fully enabled to carry that great object into effect. No moment could present itself so auspicious for the common interests and common happiness of the country as the present. There was no peculiar reason to induce the catholics to believe that the legislature were called upon to act from unworthy motives, from the feelings of timidity, of fear, or the predominant apprehensions of danger. On the

other hand, the protestants had every just ground for co-operating in the attainment of the measure. As legislators acting for the catholics, as well as for the protestants, they were bound to make every arrangement for the public security and the public good; to proceed in the great work by a suitable congeniality of sentiment; and to produce by their co-operation a diffusion of blessings, incalculable in their influence upon the welfare of the Empire at large. There was at a former period much reason to believe that there was in the pope a mild and benevolent spirit of conciliation, ready to concur in the measures most proper to be adopted; and that there existed in the great body of the catholics a disposition to run before the crown in just concession and conciliation. Although the same felicity with respect to the head of the catholic church did not now exist, the want of that could not constitute any obstacle, if the catholics themselves were ready, as they had been, to adopt the best means of conciliation, and to conform to the best interests of the country. The pope was, at the moment that he addressed the House, a prisoner in the power of an inveterate enemy; and therefore the friends of the catholics, and the catholics themselves, were bound to do their duty, without listening to the strange doctrines of some individuals. He wished to have it clearly understood that there could be no preclusion to their claims on account of the pope's detention. If even there were, it would become the duty of the House to provide exclusively for the catholics and the safety of the country together. (*hear, hear!*) The only question before them was the mode of proceeding on a question of degrees; and he trusted most sincerely, that in the steps they had to take, no temporary indiscretions of individuals would be allowed to operate against the catholic claims. The sentiments, however indiscreet, injudicious, and unreasonable, which might be expressed against the opinion of the general body by any individuals, ought not to be considered as a criterion by which the legislature ought to measure and regulate its decisions. He could at no time, and under no circumstances, be induced to lend his sanction to such a doctrine. He trusted that the right honourable gentleman, who was entrusted with the care of the bill, would finally make such arrangements as should be found sufficient to guard against the chance of every danger, and to give to the catholics every opportunity of enjoying the confidence of the crown, and the esteem of their

fellow-subjects. Of the catholic clergy in Ireland, he could not speak too warmly; for he had witnessed, in times of peculiar peril and trying distress, the excellence of their conduct. He was desirous of uniting them with the state, upon the same principles which allowed them to partake of honours and dignities in every protestant country. It was his earnest wish to grant to them the confidence they possessed in protestant states, where they had not opposed any obstacle, but had wisely lent themselves to the established policy of the country. These were the feelings he entertained, and upon which he wished the question to be understood and discussed, when the facilities with the head of the catholic church existed. But if the auspicious moment in the catholic mind now presented itself, and they were ready to take what was given in all protestant states, unless indeed they declared they were different from all catholics in all protestant countries, from the catholics in Canada and Malta, he did not hesitate to say, that the results would be most beneficial to the common interests and happiness of the Empire. With respect to the protestants in this country, he was aware that there certainly did exist a considerable degree of reluctance to grant all the rights and privileges which were claimed; but he felt that the reluctance prevailed more among the lower than the higher classes, and that it was caused more by intemperance and misrepresentation, than by that conviction which ought to be the consequence of mature and unprejudiced deliberation. Yet the question, he was happy to observe, had gained ground, and he therefore felt anxious to solve it in every way and by every mode consistent with the safety of the state, and with all the views and ends suited to the spirit and practice of the constitution. Having thus stated his sentiments, he conjured the right honourable gentleman to obtain for the catholic body the fullest acquiescence which could be given in the proposed measures upon the principles he had laid down, and he pledged himself that they should have his cordial concurrence and support. He concluded with expressing his confident hope, that the House would go into the committee, where the question might be fairly and minutely discussed, and such an arrangement made, as would give equal satisfaction to the protestants and the catholics, by the best possible provisions of concession, conciliation, and security.

Mr. Ponsonby said, that it was impossible for him, as he

did not perfectly understand all the noble Lord had said, in the different views he had taken of the bill, to say, whether the noble Lord meant him as one of those whom he wished to amend the bill, and it would be improper in him to presume he was. He, however, thought it was the duty of every man to express his opinions in the committee, and to propose such amendments as were likely to render the bill agreeable to his views. All that they could promise was to meet the noble Lord with a conciliatory spirit. But as he agreed with them in the principle and in the propriety of reading the bill a second time, it was unnecessary to trouble the House with the details, as the committee would be the proper place for discussing the controverted points.

Mr. Ryder said, if the friends of the bill were really anxious that it should pass in such a manner as would give satisfaction to the country, he thought they did not adopt the proper means in not giving a patient hearing to gentlemen who were of a different opinion. He begged that he should not be considered as one of those who did not think that the restrictions on the catholics was an evil—he thought it a great evil; and the difference between him and the supporters of the bill was, that he thought no securities could be devised; and every other individual, except the author of the bill, thought that securities were necessary. (*no, no! from the opposite side*). He understood gentlemen to say, that securities were necessary, and that a bill should be introduced to discover what securities could be devised. If such were the case, he begged the House to consider what securities the bill contained. It contained no additional security. In voting for the bill, gentlemen voted on the ground that the clauses of the right honourable gentleman (Mr. Canning) would make part of the bill; but for his part, he would prefer running the risk of the foreign interference, rather than erect a domestic commission independent of the crown, holding on the same tenure as the judges of the land. The House would do well to reflect on the consequences of repealing the test acts as relating to the catholics. No securities had been proposed; and when it was considered who were the framers of the bill, it was not to be hoped that any other person could devise them.

Mr. Peele could not allow the bill to pass through that stage, in which its principle was understood to be discussed, without entering his protest against it; and he protested particularly against the bill, as not being in conformity to

the resolution the House had come to in the last session of the last Parliament; which resolution pledged the House to a measure which was to provide securities, but this act provided none. The House ought not to abolish the bulwarks of the constitution, without the act should contain adequate securities. But the great principle on which he opposed the bill, was as it regarded the connection of England with Ireland. If the Roman catholic population had been amalgamated with a protestant population, he should not have feared it so much. But if the Roman catholic church were to have a separate maintenance, he could not conceive how the protestant religion would be the established religion of Ireland. He conceived an established church to consist either in exclusive privileges or exclusive maintenance. The Roman catholic population being four millions to 800,000 protestants, it was in vain to hope to maintain the protestant ascendancy. He had been charged with inconsistency in voting for the motion of the honourable baronet (Sir J. C. Hippisley), after having opposed the principle; but there was surely no impropriety in trying to render the bill as little obnoxious as possible, although he might fail in preventing its adoption.

Mr. Wilberforce stated, that no person, however long his experience in that House, could have devised a better way of getting rid of a question, than the motion of the right honourable baronet, (Sir J. C. Hippisley), and that nothing could be more insulting to the feelings of the House. He thought his noble friend placed the framers of the bill in a very painful situation, unless he would state in the House, or in private, his ideas more distinctly, as it had not been possible perfectly to understand what his views were.

Mr. Canning apologised for troubling the House at that late hour, and said that his amendments he had proposed in order to forward most effectually the object of the bill; but he was not so warmly attached to them, but that he should be ready either in public or private to confer with the noble Lord, and should willingly adopt those views which should appear most conducive to produce that effect which they both wished. As to a separate provision for the catholics, he was not convinced of the expediency of it, and should not himself originate it; it would be productive of considerable expense, and involved in a long detail. However, it was a measure which ought most peculiarly to originate from the crown. He would not have thus trespassed on the House,

but that he thought it necessary to reply to the observations of the noble Lord, as it might otherwise be thought he did not receive them in as friendly a manner as he really did.

The House then divided—

For the second reading - -	245
Against it - - - -	202
Majority - - -	43

Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 14.

FOREIGN RELATIONS.

Earl Grey, before the business of the day commenced, was anxious to put a question to his Majesty's ministers, on a subject of the greatest importance, in which the House sooner or later must take the deepest interest. In consequence of the circumstances of unexpected advantage in which ministers were placed, circumstances arising from the unlooked-for events of the last campaign, and which might have either led to successful negociation, or to a renewal of the war under better auspices, in consequence of the rejection of fair overtures for peace by France, he had cautiously abstained from taking any step which might tend in any degree to embarrass his Majesty's ministers. So far as regarded himself, they had been left to pursue their own course, without any question as to their intentions, or any call for communication of what steps they had taken. The period, however, was now arrived when he could no longer reconcile it to his public duty to remain silent. Rumours had been in circulation respecting our engagements with foreign powers, of the truth or falsehood of which he had no knowledge; but he would say, that if any part of these rumours were true respecting an alleged engagement with one power, and the consideration to be given to that power for its assistance—still more, if this country was a party to any engagement of that nature, it was one founded on a principle the most iniquitous, established in the greatest impolicy, and which would have the most injurious effect in

all the after-considerations which regarded our relations with other powers. He should deeply regret if such a principle had been recognised, and he trusted that the rumour in this instance was utterly unfounded. He observed by the papers on the table respecting the distribution of the vote of credit of last session, that considerable advances had been made to Sweden. It had formerly been doubted whether ministers were empowered at any time to advance money to a foreign power without the express authority of Parliament. How much more did this principle apply to the advance of money during the very period that Parliament was sitting. Yet it appeared these advances had been made without any communication to Parliament of their object, or of the nature and extent of those engagements under which they were sent. He could therefore no longer delay calling upon his Majesty's ministers for some explanation of the nature of our relations with foreign powers, particularly as the campaign had now opened. He would first, however, inquire whether it was intended by ministers to make any communication on this subject to Parliament?

The Earl of Liverpool said, his Majesty's ministers would have felt great satisfaction in being enabled before this time to have advised his royal highness the Prince Regent to make a communication to Parliament on the subject alluded to by the noble Earl. That, however, had been precluded by circumstances; he could not, therefore, enter into partial and limited views of our relations with foreign powers, which could only be duly estimated by taking into consideration all the points and bearings which related to them; a species of communication which could not now be made, without the risk of much injury to the public service. The period would arrive in the course of the session, at which it was usual to take into consideration the foreign relations of the country, and by that time he hoped his Majesty's ministers would be enabled either to make a communication of the actual state of these relations, or to give a reason which would be satisfactory to the House why they could not do so.

Earl Grey said, the answer of the noble Earl was by no means satisfactory to him. He had hoped that, at least, the noble Earl would have contradicted the rumour which he (Earl Grey) mentioned of the pernicious nature of our engagement with one power; and it was with deep regret

he observed that no contradiction was given to it. The period alluded to by the noble Earl, he supposed, meant the annual vote of credit; but at a time like the present, he thought it of the greatest importance that some explanation should be given of the state of our relations with foreign powers before that period arrived. He could not now state whether or not he should bring forward any motion in consequence of the very unsatisfactory answer given by the noble Earl; but he must say, that so far as appeared to him, ministers had made no attempt at peace, nor any effort in war.

NAVAL ADMINISTRATION.

The order of the day having been read,

The Earl of Darnley said, he was aware, after the number of speeches their Lordships had heard, on the subject of our naval triumphs, that he offered himself under disadvantageous circumstances, in finding himself compelled, from a sense of his public duty, to call their attention to our first naval disasters. He had wished that this discussion should have been brought forward when those disastrous events were fresh in the recollection of their Lordships and of the public: but he had postponed the motion in consequence of the inability of a noble Marquis to attend, for the assistance of whose abilities upon this important question he was most anxious. Unfortunately, however, that noble Marquis was still prevented from attending, by severe indisposition. It might have been hoped, that in the interval between his giving his notice and the bringing forward his motion, some naval successes would have occurred to compensate, in some measure, for the disasters that had unhappily befallen our arms: it could scarcely have been believed possible that any fresh disaster would have happened, in addition to those already so severely felt. Yet in the course of the two months that had intervened, another misfortune, there was too much reason to fear, had occurred, attended with even more melancholy circumstances than the former disasters. He alluded to the action between his Majesty's sloop of war Peacock, and the United States' brig Hornet, of equal force. No official account of this unfortunate occurrence having arrived, he was willing to cling to the hope that it was unfounded; but the statement that had been given of the

circumstances of the action in the American papers, left too much reason to fear that it was true. Under these circumstances he had to claim the indulgence of their Lordships whilst he entered into a detail which he felt the importance of the subject demanded. Whether the unfortunate war in which we were involved with the United States of America might have been avoided by conciliatory measures on our part, or by adopting a different line of policy to that pursued by his Majesty's government, he would not now discuss, although he thought that had his royal highness the Prince Regent, at the time of assuming the regency, been advised to take to his councils other persons than those ministers who had been employed, this war with America might have been avoided; yet there were several persons for whose opinion he had a high respect, who doubted whether the ruling party in the United States would not have forced on a war with this country, whatever measures this government might have adopted. He would put aside, therefore, all question as to the policy or impolicy of the war; but of this there could be no dispute, that with the known hostile disposition of the ruling party in America, and the determination of this government not to conciliate, it must have been foreseen that war could not fail to be the result. Ministers, therefore, must have been long aware that war must, sooner or later, take place. It might be said that they had the orders in council in their hands, and that by repealing them they might prevent war; but it was a well known fact, and proved by their own shewing in the papers laid on the table, that they had no intention whatever of repealing the orders in council; that they were persisted in to the last moment with the same unconciliatory disposition towards America; and that when at length, from other causes, they repealed them, they put forth false pretences, as the assigned reasons for the repeal. [His Lordship read some extracts from the papers on the table, for the purpose of shewing that long before the war broke out, ministers were aware of the hostile feeling of the ruling party in the United States; and that so late as the 14th of June last year, our chargé-des-affaires there was insisting upon the necessity of continuing the orders in council, and the impossibility of repealing them, at the very time they were repealed here, and the intelligence of which repeal arrived in America on the 23d of June]. It was, therefore, he contended, clearly established, that ministers must have

been aware that war could not fail, at no distant period, to be the result of their measures, combined with the hostile feeling of the ruling party in the United States. This being the case, how were they prepared to meet it? With respect to Canada, the events which had happened there had greatly added to the reputation of our arms, already so deservedly high, but those events were entirely unexpected. The state of the force in Canada had been laid on the table, but the stations not being given, he could not ascertain with correctness its actual situation, but he believed that no reinforcement had been sent there at the time of the breaking out of the war. With regard to our naval force, how were we prepared? It appeared that in the months of April, May, June, and July last year, during a part of which period there must have been every expectation of the near approach of war, and during the latter part of which the war had actually commenced, there were, under Admiral Sawyer, on the Halifax station (exclusive of smaller vessels), one ship of the line and five frigates. That such a force only should have been stationed there, when a timely reinforcement might have achieved the most important objects, he contended, loudly called for inquiry. He had the opinions of persons eminently qualified to give an opinion upon the subject, and who had a competent knowledge of the coast of America, that if a force of five ships of the line, 17 frigates, and an adequate number of smaller vessels, had been on the Halifax station at the time the war broke out, the whole coast of the United States might have been immediately blockaded. Had this been done, the American frigates in port must have remained there; those which had sailed must have been captured in their return; the American commerce would have been destroyed; their customs, upon which they relied for their revenue, would have failed, and with this succession of disasters, the ruling party in the United States would have been forced out of power, and by this time we should have had peace. He did not mean to say, that the ports in such an extensive coast as that of the United States could be hermetically sealed, but they might have been blockaded to every practical purpose, as he had just stated. The ports south of the Chesapeake would not admit vessels of large burden, and might be blockaded by small vessels; two ships of the line, with an adequate proportion of frigates and smaller vessels, would be sufficient to blockade the Chesapeake. An equal force might have

blockaded the Delaware. With respect to the harbours in the Bay of Boston, he was aware that they could not be blockaded with safety during the whole year, but during the greater part of the year they certainly might. Surely then it might have been managed to have a force sufficient for an immediate and prompt blockade. It had been said on a former occasion, that a sufficient force could not be spared; but surely, by sending to sea vessels which were now lying useless, and taking one ship from each of the blockading squadrons, which would not have been missed, a force might have been sent out to America, sufficient for the purposes of the blockade, the early resorting to which was so essential to a vigorous prosecution of the war, with a view to its early termination, and which might have prevented the disasters we now had to lament. It might be said that the amount of the force on the Halifax station was equal to that of the American navy, and judging from what had formerly occcurred, five of our frigates might be deemed equal to five of our enemy's frigates; but was the quality of our force in this instance equal to that with which it had to contend? Has it not, on the contrary, long since been a matter of notoriety, that the American frigates were greatly superior to ours in size and weight of metal? The Constitution, for instance, which had unhappily been so successful, was for a long period, some time since, on our own coast, sailing between Cowes and Cherburgh, and even in the Downs; and the lord warden of the Cinque Ports might, without the aid of his spy-glass, have discovered her superiority in size to any of our own frigates. At some of those times, a noble Lord, then at the head of the admiralty, was with the lord warden, and strange it was, that those two noble Lords should not have knocked their heads together, and hit upon some plan of building vessels of a similar construction. That such a plan should even have been matured with the certain prospect of a war with the United States, would have been nothing miraculous. If, indeed, the war was inevitable (which his Lordship was by no means inclined to admit), it was most extraordinary that government did not give immediate orders for the construction of such vessels as would be able to cope with our new antagonists. It would be only necessary to refer the House to a succession of dates to prove the almost criminal negligence of ministers, and these simple facts would speak more decisively and strongly, than any ob-

servations they might naturally occasion: those at the head of affairs in this country, had been as lukewarm and pusillanimous in prosecuting, as they had been in rash and imprudent in commencing the war: they had treated with contempt the excellent advice of the poet:

"Beware
"Of entrance to a quarrel, but being in,
"Bear it, that the opposer may beware of thee."

War was declared against Great Britain by the United States on the 18th of June; the official intelligence of this fact reached government on the 30th of July, and notwithstanding the incalculable importance of this event, Parliament was prorogued on that very day, and into the mouth of the Regent was put the following paragraph, referring to our relations with America:—"His royal highness has commanded us to assure you, that he views with sincere regret the hostile measures which have been recently adopted by the government of the United States towards this country. His royal highness is nevertheless willing to hope, that the accustomed relations of peace and amity may yet be restored: but if his expectations in this respect should be disappointed by the conduct of the government of the United States, or by their perseverance in any unwarrantable pretensions, he will most fully rely on the support of every class of his Majesty's subjects in a contest, in which the honour of his Majesty's crown and the best interests of his dominions must be involved." Such was the language then held, and ministers were deeply responsible for having prorogued Parliament in such a manner and under such circumstances. War then having been declared on the 18th of June, what was done by way of instant retaliation? Nothing: and it was not until the 13th of October that letters of marque and reprisal were issued: how the interval was employed the country required an explanation. Still, however, the same dilatory system was pursued, and more than two months elapsed before the Chesapeake and Delaware were declared to be blockaded, the notification being dated the 26th of December, near five months after the declaration of war was officially known; the second notification of the blockade of some other ports (March 30th) was exactly eight months after the war was known to have commenced. It had been often remarked, that the cause of the success of the American navy against that of England, was to be attributed to the formation of their ships of war, built upon the keels of

men of war of 74 guns, and carrying very heavy metal upon the upper deck: of this species the enemy possessed three frigates, which had already committed most alarming depredations. But although ministers were long ago made acquainted with this fact, they took no steps to place our shipping upon an equality; and the vessels upon a new construction, that were built expressly to cope with the American frigates, were not to be launched, until October next. This fact might appear incredible to all but those who had been spectators of the constant inefficiency of the measures of administration. In pursuance of the very vigorous and decisive plan that had been observed since the commencement of hostilities, when on the 30th of March last certain other ports of the United States were declared to be blockaded; Rhode Island and Newport yet remained open, and in the latter, the American frigate, after the capture of the Macedonian, actually refitted. Was this the mode in which the affairs of Great Britain, at a crisis like the present, ought to be conducted? It was some satisfaction to the noble Lord, in the performance of the invidious task he had unwillingly undertaken, to reflect, that upon ministers only rested the heavy responsibility of the late disasters; of the officers and men who so gallantly, but unsuccessfully fought, nothing could be uttered but unqualified applause; but it was melancholy to recollect that efforts, which under other rulers might have raised the character of the British navy, even higher than the pinnacle of glory it had already attained, were unavailing: the losses we had sustained were owing to no diminution of the courage, skill, and discipline of our sailors, and the names of Captains Dacres, Carden, and Lambert, would be handed down to posterity with love and admiration. All that human nature could effect they accomplished, and a strict inquiry into the causes of their failure was not less due to the living than to the dead. His Lordship then proceeded to advert to the circumstances of the capture of the Guerriere, Macedonian, and Java frigates, and insisted that the latter, notwithstanding the returns upon the table, was insufficiently manned; not that she had not her full complement of hands, but that her crew consisted principally of young inexperienced men or boys: the marines too on board were raw troops that had been lately raised. He rejoiced that he had moved for and obtained the minutes of the court-martial upon the Java, because they disclosed circumstances of importance to the

character of Captain Lambert, a man who united to all the hardy valour and fearless intrepidity of a sailor, all the finer domestic and endearing qualities that embalmed his memory in the hearts of his kindred, while it was not less cherished with grateful recollections by his countrymen. On a reference to the Gazettes, it would be found that many of the circumstances attending the capture of all our frigates were similar; they were all crippled in their rigging, and dismasted early in the action, arising partly from the commanding height of the ships of the enemy, and partly from the greater weight of metal, while the shot from our smaller guns produced comparatively little effect upon the masts of our antagonists. To ascertain satisfactorily the causes of this superiority, was surely ground enough for inquiry. If it were urged that we had not seamen to man new frigates to contend with America, he would reply that many small vessels were now uselessly employed upon various stations, the crews of which might be turned over to our larger ships, to render themselves useful to their country, and to gratify the national ardour of sailors, who would otherwise be wasting their years in inglorious idleness. Let them be called forward to retrieve our injured character; let them renew our wonted triumphs: for if fit measures were pursued, the disasters we had recently witnessed, would only serve to heighten the lustre of our returning glory. It was indeed heart-breaking to reflect, that the apparently insignificant navy of the United States had brought disgrace upon the British arms, which neither the revolutionary phrensy of Robespierre, nor the gigantic despotism of Bonaparte, combining against us for so many years the united navies of Europe, had been able to effect.

> Quos neque Tydides, nec Larissæus Achilles,
> Non anni domuere decem, non mille carinæ!

His Lordship begged next to direct the attention of the House to the mode in which the trade of this country had been left open to the depredations of the enemy; and here he must revert to the proposition with which he set out—that if proper measures had been early adopted, none of these calamities could have occurred; for the enemy's privateers and ships of war would have been confined within their ports, and the list of our captured vessels could not have been swelled to that enormous and melancholy extent

that was now to be deplored. In the whole, from the returns it appeared that 382 of our valuable merchantmen had been captured, only 80 of which had been retaken. The main cause of these losses was the deficiency of force on the various stations, exclusive of those of Jamaica and the Leeward Islands, on the latter of which the national flag of the British Empire had been lately known to float upon a vessel of less than 40 tons burden! He would not fatigue the patience of the House, by entering into details that more properly belonged to a committee; but he would just refer to the case of the Bonne Citoyenne, the rate of insurance upon which was no less than 60 per cent. During her voyage, American privateers were constantly hovering round her; and because no other man of war was upon the Brazil station, the admiral's ship (the Montague), a dull sailer, was obliged to become her convoy. While ministers were thus negligent of our external commerce, they were not more vigilant in the protection and support of our domestic manufactures. American cotton, on a system of policy that could not be too severely reprobated, had, until lately, been allowed to be imported, to the great detriment of our own colonies, and to the great advantage of the territory of our enemies. To show the great value set by the inhabitants of the United States upon licences granted by this government to import produce into Great Britain, his Lordship read a letter from a merchant in New York, requesting his friend in London to procure for him, at the expense only of a few guineas, some licences, which in the republic sold for several hundred dollars each. In consequence of this communication, an alteration had been made in the system by the board of trade. Many other letters from Charleston and Norfolk concurred in representing American commerce as in a most flourishing condition, and talking of vast shipments of produce for the British market. This injury to ourselves and benefit to our enemies was a species of policy peculiar to his Majesty's present ministers: his Lordship hoped that even they in time would be sensible of their mistake, and would alter their erroneous system before the remedy was too late to be effectual. Another part of the subject, of not less importance than those already noticed, and upon which detailed inquiries were absolutely necessary, was the management of our dock-yards, and the general system pursued with regard to the construction of our ships. Several men of war recently

built, after a short voyage, had been laid up as unfit for further service, in consequence of the badness of the materials. Of this kind were the Dublin, Royal Charlotte, and several others that might be named; these vessels had been partly built with American oak (which some had declared contained in itself the principle of decay), in consequence of the difficulty of obtaining British timber. The inhabitants of the United States rejected it as unfit for use, and we were indeed reduced to a melancholy extremity, if we were compelled to employ what our enemies refused. All these were matters that demanded inquiry, as well indeed as the whole conduct of the navy board, which was principally distinguished for an obstinate adherence to old systems, long exploded in every other country of Europe, and for a determined opposition to all kinds of improvement. It was a fact, that when ships were built upon foreign models, they were only excellent as far as the original was adhered to; but the moment it was abandoned, all excellence was lost. His Lordship complained that useful projects did not receive due encouragement, and particularly alluded to a noble Lord (Stanhope) who had made some important improvements in the construction of ships, and to a captain in the navy who had suggested a plan of preparing the oak, the effect of which would be, that a ship built of it would last double the time they usually were retained in commission. All ingenious individuals who proposed useful alterations ought to be allowed a fair trial, which he did not think was in every case afforded by the navy board. Under all the circumstances, his Lordship thought that a case loudly demanding investigation had been made out; and even if ministers could justify their conduct in every particular, and prove the converse of all the facts stated, still he was convinced that he had performed a useful task for the country, in enabling ministers to establish their vindication. If, however, they could not prove that they were not guilty of criminal negligence and unjustifiable delay in the prosecution of the war, he had accomplished a still greater benefit, since it would lead to a complete and most beneficial alteration of the system. It was almost unnecessary to detain the House by general remarks upon the vital importance of supporting the character and efficiency of our navy, the bulwark of Great Britain. Upon our navy had depended, and still would depend, the welfare, prosperity, and independence of the

nation; to our navy we were indebted for the liberty and happiness we at present enjoyed; and had not our navy, some few years since, effectually resisted and overawed the tyrant of the continent, the fruitful plains of England might have been deluged with English blood, and we might have had to undergo all the hardships, to support all the struggles, and to resist all the enemies with whom Russia was now so gallantly contending. He trusted that the naval glory of Great Britain was not on its decline, although ministers appeared to exert themselves to the utmost to hasten its fall. The charm of invincibility had now been broken; its consecrated standard no longer floated victorious on the main. He felt that this motion would not be welcome to the other side of the House, nor would it be popular through the country. It was a revival of disasters which all were anxious to forget; and it was not without much reluctance that he introduced the subject, particularly when he recollected the general fate of motions originating in the side of the House he occupied, opposed as they were by so many peers whose votes were always singularly accordant with the wishes of government. He entreated such noble Lords, notwithstanding they might always think the existing government in the right, and the present the best of all governments, because it was the present, to reflect upon the consequences of these repeated defeats and disgraces. Something must be radically bad in the system, and it became all honest men who wished well to their country, to endeavour to ascertain the root of the evil, that the naval character of Great Britain might be re-established, and our security and happiness confirmed. His Lordship apologized for having so long detained the House; and concluded by moving, "that a committee be appointed to inquire into the circumstances of the war now unhappily subsisting with the United States, and more particularly into the state, conduct, and management of his Majesty's naval forces during the last year."

Lord Melville began by observing, that notwithstanding the confidence expressed by the noble Earl that he had stated enough to convince their Lordships of the necessity of inquiry, he trusted that he (Lord Melville) would show them, if they were not satisfied in that respect already, that the noble Earl had made out no case to warrant him in entertaining any confident expectation. The noble Earl had opened his speech with some observations relative to

the commencement of the war. He, however, did not feel himself called upon to revert to the origin of the war: that was a question which had already been disposed of: and, therefore, he should come immediately to the main subject, the manner in which the war had been conducted. There was one point, however, the more or less probability of a war with America, before it actually commenced, which he could not allow to pass without some notice. He requested their Lordships to recollect the language which had been used in regard to the effect of the repeal of the orders in council, especially on the other side of the House; and the expectations reasonably entertained on both sides on that subject. Their Lordships could not but know, that these orders in council were at first the great cause of complaint on the part of America; and when it became probable, that the orders in question might be repealed, he denied that it was at all evidently apparent that notwithstanding the repeal we should be engaged in war with America. On the contrary, he maintained that there was very strong reason to believe that there would be no war. In these hopes, however, we had been disappointed. The hostile disposition of the ruling party in America was not to be satisfied by any thing like reasonable concession. The most extravagant pretensions were urged on her part; and we were now at war purely in defence of our maritime rights, or in other words, for the very foundation of our existence as a nation. The disposition, however, which America had for a considerable time manifested, could not but justify some apprehension, that in spite of concession stretched to the utmost possible extent, war might be the result; and he now came to the preparations that had been made to meet that emergency. Their Lordships would have to consider what was, or was not, an adequate preparation. If the noble Earl meant to say that we ought always to have had such a naval force on the American coast as would be sufficient to blockade the whole of their principal ports, he protested against any such estimate of adequate preparation. Here their Lordships would please to attend to the situation and circumstances in which this country was placed at the breaking out of this war with America. It had become the duty of government, in the conduct of the extensive course of hostilities in which the nation was engaged, to curtail the state of naval preparation as far as was consistent with the national safety, in order to give full scope to our

resources for another service of the most essential importance; a service to which, in the opinion of many Lords, and especially of a noble Marquis (Wellesley) not now present, they ought more particularly to be applied. But then the noble Earl said, that it was easy to have subtracted a ship or two from each of the other blockading squadrons; a proceeding which, in his opinion, would have been attended with no inconvenience. This notion of the noble Earl arose from the impression that some of the ships on these stations were unnecessary; but in this respect the noble Earl differed widely from the naval commanders on those stations, who thought their force but barely sufficient. Would the noble Earl have weakened our naval force on these stations at the time the French fleets were preparing for sea? The fact was, that on these stations we had the smallest force consistent with the object to which that force was applied; and that none of the ships could be spared for the American station. Having disposed of that argument of the noble Earl, he requested their Lordships to advert to the choice of time for declaring war made by the Americans. They began the war exactly at the period when it was necessary for this country to send a large naval force to the Baltic and other quarters. The Americans knew that a considerable portion of our naval force would be thus employed in the months of April and May, and they had taken their measures accordingly. But the noble Earl seemed to conceive that the capture of our frigates itself constituted a sufficient ground for his motion; but how was it possible to have prevented the American frigates from getting out of port if they chose? They had escaped before the declaration of war; and their object was to cruise against our trade; and they had fallen in with one of our convoys (*hear*, *hear*!), but were chased away; and yet it was contended that our force on the American station was inadequate. If the American force had been superior, it would, no doubt, have attempted to find our force, and to have engaged it: but the Americans never had such a thing in contemplation. Our naval commander on that station had very properly dispersed his force on different parts of the American coast. The Guerriere frigate had been cruising in company with a ship of the line, from which she had been separated in a gale. She was met by an American ship of far superior force, and after a gallant action taken. The captain had certainly made a brave

defence, and the officers and crew deserved every praise: but what did this engagement prove in regard to a deficiency of naval force. If our force on the American station had been ten times as large, the same accident might have happened. But then the noble Earl said, "why did you not blockade them in their ports?" His answer to that was, that their ports could not be effectually blockaded. The impossibility of blockading any place completely, appeared from the notorious fact that vessels were sometimes captured within view of our own coast, without the possibility of being assisted by our cruisers. Privateers and frigates would sometimes escape, notwithstanding all that could be done by the most vigilant blockading squadron. The noble Lord, in his opinion of the necessity of blockading the American ports, perhaps thought it necessary that all the ports of America should be so hermetically sealed, that their frigates should not be able to enter or leave any port in America. Such a blockade was, however, absolutely impossible. The noble Lord seemed to think that ministers should have been prepared to blockade all the American ports at the very beginning of the war. But what would the noble Lord, and those about him, have said of the sincerity of the disposition of his Majesty's government, to reconcile the differences with America, if they had, at that time, and before it was supposed in this country that the American government would go to war, sent out such powerful squadrons to the American station? Would not that have been considered as an argument in America, as well as in this country, of a hostile spirit in our government? and would those who conceived that the repeal of the orders in council would have averted the war, have then advised such a course? Of one of the frigates which had been taken, the Java, the noble Lord represented the crew as boys, and persons entirely unfit for service. It was true that they were young men; but it did not follow on that account that they were not seamen, or that they were unfit for service. It was usual, in selecting a crew for a vessel going upon the Indian station, to choose young men; and if he were selecting a crew for such another voyage, he would be quite content to take such men as formed the crew of the Java. The noble Lord had said, that it was most extraordinary that we had not altered the description of our ships, in consequence of the Americans possessing those three large frigates. There was, nothing, however, that naval

men were more agreed on, than that it was injurious to the service to have too great a multiplication of the classes of ships. How many frigates, then, of this description would he have built? If we had three or six of them, it by no means followed that those vessels would have fallen in with the large American frigates. He had said there were many useless 74-gun ships; but although vessels of this description had many other advantages over those frigates, it did not follow that they could outsail them. The noble Lord had conceived that we had quite a superabundance of small vessels on the American station, while we were deficient in that description of vessels which could best be opposed to those frigates. The fact was, that those small cruisers were the most useful for the protection of our trade, especially in the West Indies. The noble Lord seemed to consider, that during the war the trade of America had been fostered, and its resources increased; but this was very contrary to the information which government had received on that subject. As to the balance of captures during the war being in favour of America, the noble Lord was certainly mistaken, for the balance lay the other way.

Lord Darnley rose in explanation, and said that he had only stated the captures made by the Americans.

Lord Melville continued. As to what the trade suffered in this way, he believed the best criterion would be the comparison of the rates of insurance now with what they were the year before the war. He believed that, subtracting the convoy duty, the rate was not more than one per cent. higher than before the war. The number of captures of vessels sailing under convoy was remarkably small. As to the observations with which the noble Lord concluded, respecting the modelling and construction of our vessels, he would allow that the French were as superior to us in the models of their ships, as we were to them in the construction and workmanship of them. As to the conduct of the war, it was now pursued in the manner the noble Lord himself conceived the most proper. Blockades were carried on as extensively as possible, and the enemy's coasts were annoyed in every point. The effects of this system had, as he believed, been severely felt by them. Upon these grounds he must oppose the motion of the noble Lord.

Earl Stanhope said, that the noble Lord ought to have heard his speech before he gave his answer, as then he might have answered two speeches at the same time. He

could tell him, however, that as for his speech, the noble Lord would not be able to answer it (*a laugh*); and he would entreat their Lordships to depart from their usual rules, and allow the noble Lord to speak a second time, if he thought he could answer him. (*laughing.*) Before he delivered any opinion of his own, as they were an assembly of landmen, he should first give them the opinion of Admiral Pattent, who had written on naval affairs, and had stated—"From what has been remarked on the general deficiency of data in naval architecture, it may be evident, that the present time is but the infancy of the art of navigation, and of defensive naval knowledge. A more mature period is certainly advancing; and when it shall arrive, whatever regards defence upon the water, will increase in importance, will bear down all opposition, and must be valued in proportion to the safety, wealth, or power, which it will bestow upon the maritime state that takes the lead in such improvements." He then proceeded to state his own experiments, and the causes which had turned his mind to the subject. He was educated under a man whom he could never mention without feelings of the greatest veneration—his father—who was one of the best mathematicians in the country. Knowing the great power of steam, which had been since made so available in our manufactures, he first tried experiments to move ships with it. In the course of those experiments, however, he found out how abominable and detestable the common construction of ships was. He then analysed the whole construction of a ship from the hull upwards. Without this analysis it was impossible to be a judge of the properties of a ship; and if to the greater number of naval officers a mere model of a ship should be shown, and be asked the properties, he could not tell; but if he had studied them with the pains he had taken, the answer would be easy. He then stated the result of the experiments which had been made of a ship built on his construction against the Racoon sloop of war, in which the captain of the Racoon reported that his vessel, under jury-masts, beat the Racoon carrying a great deal of sail; that it worked and weathered well in a heavy sea. The board of naval architecture had lately tried nearly 10,000 experiments on the construction of vessels, and upon alterations in the heads and sterns of them; but by some unaccountable obstinacy, the old construction was persevered in, in spite of demonstration. The vessel which he had built was 110

feet long, and about 200 tons burden. The naval men at first laughed at it, and said, it was only a harpoon to strike a whale with; but when it came to be tried, it outsailed the Racoon. It was a flat-bottomed vessel, and only drew seven or eight feet water. Now, if the French should build large vessels on this construction, they might do the most serious mischief to this country. They might bring vessels off the coasts of Lincolnshire and Essex, carrying metal equal to an 80-gun ship, and yet lying in such shallow water that no vessel we have could attack them without being blown out of the water. These vessels might lie at such a distance from the coast as not to be attacked from the land, and to be unattackable by any vessels we have, and might cut up the coal trade from Newcastle and the whole of our coasting trade. If we had possessed vessels of this construction, then indeed would our enemy's coast have been vulnerable in every point, and he could never have ventured to send against Germany or Russia the large armies he has done. There was another thing he should now mention. By a decree of the rolls court it was forbidden to cut what was called ornamental timber; that is, the sort of timber which for its growth was the fittest for naval purposes. He was glad, however, that the lord chancellor appeared to be of a different opinion on that subject. By a report lately made of our navy, it appeared that nearly half of our large ships were either rotting or rotten. This was entirely owing to the fault of their construction. If our ships were built of wet timber, and that timber was not inclosed, it would season of itself, and this dry rot would not come in it. It was the inclosing this timber from the air that made it rot; and it appeared on the return of our navy, that notwithstanding the expense of their construction, ships were generally serviceable but for eight or nine years; whereas, if the timbers were not inclosed in such a manner as to make them rot, they might last for fifty or sixty years. He considered the sharp construction which they continued to build ships upon, as the cause of their oversetting when they took the ground, and of the death of numbers of seamen. The persisting in this ignorant cause, he considered murder. The flat-bottomed construction of ships which he had submitted to experiment, had every advantage of the other, and would not upset in such a situation. He then adverted

to the Chinese division of the interior of a ship, by which an injury to a plank, or a single leak, by no means endangered the vessel. He then mentioned a dispute he had the other day with an admiral—and he liked to dispute with admirals, (*a laugh*), for he was sure to find himself of the right side. They tried experiments between a model of his, and one that the admiral said was better, but upon the trial the admiral's was upset. He then asked him, "How is your *admiral-ship* now?" (*a laugh*). The admiral, however, gave him a pretty good answer, and told him that his model was only fit to take to the House of Lords to teach the bishops naval architecture. (*a laugh*). He did not think that, however, a hopeless task. He felt so strong in his principles that he could undertake to explain them so clearly, that my Lords the bishops should understand something of naval architecture. (*considerable laughter.*) Great danger to the navy might be apprehended from the schemes of Mr. Fulton. His Lordship had heard from good authority, that when Mr. Fulton went to Paris, he had an interview with Bonaparte, who sat on a chair, and afterwards sat on a table; but when he had heard all the plan, he said he disapproved of it, and would not adopt such a mode of warfare. Fulton afterwards made an agreement with Mr. Pitt and Lord Melville, for 40,000*l.* for the first French ship destroyed, and for the rest in proportion. He failed at Boulogne for various reasons; but he got 10,000*l.* for his experiments, and put 15,000*l.* in his pocket; and then went to America. Lord Stanhope then explained the construction of the torpedos which Fulton had invented to apply to the bottom of a ship, for the purpose of blowing her up; one of which was regulated by clockwork; another, on a different principle, was called the porcupine torpedo. He had sent a copy of Fulton's pamphlet, published in America, to the admiralty; and had stated the means of preventing the effect of those dreadful inventions: but he had heard of no steps taken to provide against them. He looked with alarm to the probability of their being used in our war with America. He thought he should have acted wrongly in not stating these matters to their Lordships.

The Earl of Galloway regretted that more early and active measures were not taken by ministers in the contest

with America, instead of hoping for conciliation; since on our naval power the interests of the Empire depended: yet he was willing to admit that government might have had reasons for their conduct. He had been in America, and was convinced that hostilities proceeded greatly from a secret policy of jealousy of our commercial and naval prosperity, which had existed there ever since the separation: a disposition to a connection with France was entertained, regardless of all consequences. He hoped that when peace should come, it would be dictated by us, and that a proper security would be obtained for our Canadian frontier. He remembered the prediction in the other House of a great statesman, Mr. Fox, whose relative he did not then see present, that the conferring a constitution upon Canada was the best mode of insuring its allegiance; and so it had proved. He then entered into a comparative view of our navy with the naval efforts of America, to show that the large vessels built by them were too much for any of our frigates to cope with. We, from the great extent of our naval service, were obliged to limit our prime seamen to one-third of the crew: the next third were ordinary seamen, and the remaining third landsmen. The American crews were all prime seamen. We seemed to trust too much to native valour. The American ships were nearly equal to our sixty-fours, and were masted like line-of-battle ships; on which circumstance depended, in a great degree, the stability of a war-vessel. Our frigates were, at the most, from 1,000 to 1,100 tons burthen: theirs were 1,500. Their elevation also was such, that ours looked like boats compared with them. He was told that by an officer, who saw one of them at Malta, where ships could lie as in a mill-pond. Should we, then, have contended with America with equal ships, or with ships of the line? He would have built ships similar to theirs, and that would have shown that the British navy, meeting a foe on any thing like equal terms, preserved the same character it had held ever since the defeat of that Armada, the representation of which adorned the walls of that House. (*hear!*) We were now at war with America solely for the preservation of our seamen; but we must look at our own system. Numbers of our seamen were in the enemy's service: was it from their versatile character? The length of the war was one reason. Former wars were short, and so was the evil. A great part of our valuable men were impressed—a right not

to be given up, from the necessity of the case; but they were not adequately rewarded, depending as we did on our anval strength. Men brought up to the sea, when impressed, were often boatswains and mates of merchantmen; and sufficient stations, and increase of reward, should be provided for them. This was an object of the late Lord Melville, and a plan was at one time nearly matured on the subject, which, he hoped, would not be abandoned. The warrant-officers' situations had suffered by lapse of time, and ought to be improved and increased, as they were most valuable seamen. As to the failure of blokades, no port could be hermetically sealed, except when the blockading squadron could come to anchor, which could be done at Calais, but not at Brest, or at Toulon. He could not join in censure after all, because the same thing would have happened under any administration, on account of the disparity between the American ships and our frigates.

Earl Grey said, that many things had been stated of importance, but not closely connected with the question; though it was true there was great reason for complaint, and even some censure respecting the construction of ships, in which it was well known that great amendments might be made, as the naval revision commissioners stated, that those to whose hands the construction was entrusted, were ignorant of the principles of the science. He hoped from what the noble Viscount said, that something would be done, though the signs of it were not clear. A late order of the admiralty was a lamentable proof of this, as it directed the building of a number of sloops of war, (which he enumerated), wherein the length and breadth of them were quite disproportionate. As to Mr. Fulton, his agreement with Mr. Pitt and Lord Melville came under his (Earl Grey's) review, when at the admiralty, and he took credit to himself for a comparison by which he saved the public money, though, if he had thought the object desirable, he should have had no thoughts of sparing. Every examination and opportunity was given to Mr. Fulton. A ship was blown up indeed; but many preparatory measures were necessary, such as would not be afforded by an enemy's ship. Compressed gunpowder placed under a ship's bottom might certainly blow it up: but it was like the catching of a bird by putting salt on its tail. In the course of the experiment the night was sometimes not dark enough; at other times the sea was too rough or too calm, for placing the explo-

ders. As to Bonaparte, was it to be supposed he did not examine before he rejected? He himself felt some uneasy nights at the idea of a plan involving such dreadful waste of human life. By the present motion censure was not proposed, but inquiry on a presumption of some blame. It was desirable to amend the situations of our seamen, though impressment was a species of conscription that could not be given up. To a limited extent some services had been performed in this way, when he was at the board. Yet impressment should be made as little necessary as possible, and the men's situations rendered as comfortable as possible: but this was not the subject of that night's discussion. What ministers should have done was, in a war with America, to distress the enemy as much as possible, to bring them to reasonable terms, and to protect our mercantile trade. The question did not rest on three frigates being taken by superior ships, though after our uninterrupted series of naval triumphs, which had carried our maritime glories "as far as waves can roll, and winds can waft them," that was an afflicting circumstance, even while no reasonable man could wonder at the result. (*hear!*) Our navy had not, however, shrunk from these unequal combats; but if it was suspected that this might have been avoided, ought it not to be inquired into? Could it be shown that all this occurred in spite of good management, then the trial would soon be over, the court broken up after acquittal was pronounced, and no more would be ventured on the subject. But if it could be proved that not only on the American coast, but in the West Indies, off Guiana, Brazil, and, to make all the world a witness of our failures, even in the South Seas the same results happened, he should call on the noble Earl to support the motion. If nothing beyond what he had heard could be said in defence of administration, then he would say, he never knew so lamentable a proof of misconduct, so degrading an avowal of incapacity. (*hear, hear!*) In the state of negociations last year, government ought to have been provided for their unsuccessful termination. They, from the language they held, ought, above all others, to have foreseen the exigency. They resisted the repeal of the orders in council, which were at last extorted from them by evidence at the bar of Parliament; but, unfortunately, such was the state of the discussion, that the repeal of the orders went out to America, accompanied with evidence which

tended to show our weakness, and thereby encouraged the Americans in demanding what we could on no account consent to relinquish. Ministers might say they expected peace, but any schoolboy could have told them, that on their own principles they should also, at the same time, have been prepared for war. (*hear!*) They said now that it was not the orders in council, but a hostile disposition in America, and a desire for an alliance with France, which caused war, for the destruction of the maritime rights on which our independence as a nation rested: but that could not help them in their defence to the charge of being unprepared. He would put it to their Lordships, whether it was not most extraordinarily unaccountable, and a presumption of criminality on the part of ministers, that with 100 sail of the line, and a vast number of frigates at their disposal, they were altogether unprepared for the war with America? Yet the situation of maritime affairs in Europe, rendered the charge against them still stronger, and less defensible. There had not existed, since the commencement of the war, a moment in which there was so little necessity or pressure for its employment and service. This was so very obvious, that one of them had said, "we must diminish our navy, and increase our army." Russia was our ally, Sweden was neutralized, Denmark was quiet, France was deprived of all naval strength, so was Holland; Spain had become our friend. Yet in this extremely favourable state of the maritime powers of Europe, and with above 1000 ships of war in commission, the noble Viscount admitted the impossibility of blockading the coast of America! The House could not forget that Lord St. Vincent had blockaded Cadiz for two-and-twenty months; and what could have prevented the blockade of the Chesapeake and Delaware, if an adequate force had been properly stationed between the Capes? He felt himself justified in maintaining that New York might be blockaded nine months out of the twelve, and that a complete and constant blockade of Rhode Island might be kept up. In short, all the military ports might be securely invested. But this was not all. While so notorious negligence was evinced, in not employing a ship of the line and two frigates, to form the blockade of each port, no force was maintained in the West Indies for the security of our trade. If ministers, as he contended, were deficient and tardy in their preparation for defence and aggression, they ought at least to have

evinced a degree of activity suited to the exigency of the crisis, and to the vindication of the national honour and dignity. He would have been tempted to pardon their past errors and neglect, had they inflicted vengeance on the Americans, for the insults and disgrace experienced by the British flag in the capture of the Guerriere, the Macedonian, and Java. He really believed that had any one of the American frigates which had thus insulted and triumphed over our naval pre-eminence been taken, his noble friend would not have brought forward the present motion. He certainly felt that great and just praise was due to the exertions made by those entrusted with the defence of Canada; but was that defence, however judicious, prompt, and gallant, a sufficient vindicaton of ministers? If Canada were so very happily preserved, what had been since done to render the preservation of it in every respect secure? He was informed that the Americans had gained a decided superiority on the Lakes, and that a frigate of 36 guns had been built, and an adequate force prepared, for intercepting all supplies and communications. He, therefore, thought that ministers were again a day too late, for when they found that all this preparation had been made, and was, in fact, in actual readiness, they dispatched Sir J. Yeo, with a number of officers and seamen, to prevent the consequences which had already occurred. There was, he contended, undeniable presumption of the criminalty of ministers in neglecting the means they possessed of blockade during the space of eight months. To begin with Jamaica, he could state that it was actually blockaded by the American privateers so very closely, that our vessels carrying sugar coastways were taken by the enemy, and this appeared to him to form a sufficient ground and call for inquiry. The same negligence prevailed with respect to the Leeward Islands. There was no defence whatever in that quarter, and the seas were swarming with American privateers. He mentioned these circumstances as facts which could be proved, and upon them he grounded the necessity of inquiry. What was the case on the coast of Guiana? The trade of Surinam could not be insured, such was the danger which threatened; and when an application was made for convoy to the admiral on that station, the answer was, that he had not a ship to spare for their protection. The trade of Demerara and Berbice were also sent home without a single vessel to protect them. On the coast of the Brazils there existed no

chance of safety, and the consequence was the capture of the Peacock; but the evil and injuries were not confined to these parts, for no longer ago than yesterday advices had been received of the capture of three South-Sea whalers by American privateers. In short, unless their Lordships were determined to resist every impression which could be made by the strongest possible facts, they were bound to consent to the proposed inquiry. The noble Viscount had said, that the rate of insurance was low; but how did the assertions tally with the fact, that the offer of 60 per cent. insurance was refused on the Bonne Citoyenne? Earl Grey urged some other arguments, and concluded with giving his cordial assent to the motion.

The Earl of Bathurst observed, that the chief ground taken by the noble Lords who supported the motion, was derived from the capture of three British frigates by three American frigates; and it was maintained that it ought to have been the duty of ministers to have foreseen the war, to have provided for every exigency. With respect to the commencement of the war, ministers did not think it wise and prudent to withdraw the ships of the line from the blockade of the ports in one quarter, to employ them in the blockade of ports in another: and with regard to the capture of the three frigates, he would put it to the candour of the House, whether any certain arrangements could have been made to prevent these losses happening, as they had, in very distant parts? One was taken off the Western Isles; another in the Brazils; and the third had been separated from a line-of-battle ship, when they were both on a cruise. There was in reality no foresight, no precaution, which could prevent such losses. He adverted to the negociation with America; vindicated the means adopted to render it efficient; and contended that ministers had neglected no opportunity, either during or after the negociation, which was calculated to maintain the honour, dignity, and best interests of the country.

Lord Grenville pointed out the necessity which had been imposed on government to have a larger force to meet the Americans. The noble Viscount seemed to think it absurd, that while we were offering peace to the Americans, we should at the same time be preparing—what? the means of resistance, if the terms of peace should be refused. This was rather novel doctrine, and contrary to the experience of statesmen in all ages. The noble Earl (Bathurst) seemed to

think it an excuse to say that the Americans took us at a disadvantage, and were so uncivil as to make war upon us when it was most convenient to themselves; as if this very convenience should not have been to our ministers a symptom that war was intended. But the greatest fault of all, which, however, an English peer had the presumption to offer in extenuation, was—that it had been the system of government to cripple and cramp the naval power of the kingdom, in order to further some military projects, which were attended—God knows! with what success; and the navy of Great Britain was thus crippled, at a time when we were at war for our independence, and even existence. If one drop of English blood flowed in the veins of any peer, surely inquiry ought to be enforced against those who had the audacity to avow such a system. He contended that it was matter of extreme regret, that in a war, not with a great naval power, but with the smallest marine force in the world, the British flag had in every contest been attended—not, thank God, with dishonour, but—always with loss. The superior out-fit and size of the American frigates was well known to our government, and they should have been prepared; but no, this the noble Viscount treated as an absurd idea: and now—now that our frigates were beaten in every rencontre—ships were cutting down to make frigates which may at last dare to appear on the face of the ocean. (*hear!*) He thought the disasters which had befallen the British flag, and the excuses urged this night, were such as to awaken the indignation of their Lordships, and make them demand inquiry.

Lord Liverpool made a long reply. He said that the military part of the war, which was reckoned as nothing, or merely the effect of chance, reflected the greatest credit on administration. As to the naval part of the campaign, he insisted that the probability of a war with America was less strong at the time when it was declared, than at many anterior periods. The examination on the orders in council afforded some hope of reconciliation, and the subsequent repeal was considered by those who professed to be acquainted with the American mind as a certain mean of ensuring peace. This being the case, and a large fleet in the Scheldt, and the state of the north of Europe at that time, rendered it unadvisable to spare a larger force to act against America. Deeply as he regretted the loss of the frigates, no blame could attach to government: on every station in the Ame-

mission and there was a much larger British force than American. This was the case in North America, at Jamaica, and the Leeward Islands. The frigates had, unfortunately, met individually with forces inferior, and had captured them; but had the whole naval force been on the American station, such accidental disasters could not have been prevented. As to the loss of merchantmen, none had been lost, except those who chose to run the risk of sailing without convoy.

Lord Darnley replied.

The House then divided—

For the motion	59,	of whom 19 were proxies;
Against it	125,	proxies 42
Majority against it	66	

Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 14.

General Gascoigne presented a petition signed by 3000 anabaptists, praying permission to send out missionaries to convert the Hindoos to their particular system of faith.

INSOLVENT DEBTORS' BILL.

On the order of the day being read for going into a committee on the insolvent debtors' bill,

Mr. T. Smith moved, that it be an instruction to the committee to extend the provisions of the bill to India.

The bill then went through a committee: the report was received, and the bill ordered to be re-committed on Tuesday next.

COMMITTEE OF WAYS AND MEANS.

Mr. W. Fitzgerald rose to state to the House the terms on which the Irish loan had been contracted for; after which he should submit to the House certain resolutions. The terms were as follows:—For every 100*l.* subscribed, the contractors should receive 120*l.* in the five per cents. and treasury bills, at 11*l.* 15*s.*; the total amount of the interest of which to the public would be 6*l.* 5*s.* 9*d.* The terms on which this loan had been contracted were not, *prima facie*,

so favourable as his right honourable friend below him (Mr. W. Pole) had got last year; yet, on a comparison of the value of money in the two years, it would be found to be nearly the same. It would be recollected by the committee, that this money, raised at 6*l.* 5*s.* 9*d.* was in a country where the interest of money is at six per cent. In submitting the resolutions he had to offer to the consideration of the House, he should endeavour to be as concise as possible, in order to consult their convenience, by not interfering with, or retarding, a very important question, which was to come before them this evening. He would therefore propose, that whatever objections were to be made to his resolutions, should be brought forward on the report. In apportioning the new taxes for Ireland, he had endeavoured to assimilate them as nearly as possible to the situation of both countries. It was his intention to impose on all goods, wares, and merchandizes imported, (except coffee, tea, sugar, wines, and cotton-wool), an additional duty of 25 per cent. On tobacco he proposed to lay a duty of 1½*d.* a lb.; on coffee 1*d.* It had been his intention to raise the duty on tea in Ireland to the same amount as in England; but on more mature consideration he had left it as it was. The additional duty on wines would be one-third of the difference at present existing between Great Britain and Ireland; viz. 8*l.* 10*s.* a hogshead of claret. He intended to raise the duties on excise 5*s.* a barrel on malt: he also proposed certain new regulations in the rates of postage in Ireland; first, to reduce the rate of postage to all towns near the capital, the lowest rate to be 2*d.* within ten miles, and so progressively under 50 miles, and to increase all the rest. The alterations he proposed in the assessed taxes were, on windows, male servants, horses, and carriages: on windows, a difference of from 3*l.* 18*s.* to 4*l.* 4*s.* which would be an increase of 25 per cent. The duty on horses: for one horse 1*l.* 10*s.* for two 2*l.* and so in proportion, and a similar increase in the duty on carriages: for one the duty should be 10*l.* for four 16*l.* He should refrain from going into any observations on the taxes more than he had already done, because he thought it would come more properly under the consideration of the House, when he brought forward the financial statements and review of the resources of Ireland.

After a few observations from Sir J. Newport and Mr. Tighe, the House was resumed, and the report ordered to be received on Monday.

The bill for admitting foreign clayed sugars for home consumption, as long as British Muscovado sugar should be not less than 53*s.* was read a first time.

Mr. Grattan moved, that the order of the day for going into a committee on the bill for the relief of the Irish catholics should be read, that the House might go into committee *pro forma*, in order that the bill might be postponed to Monday, which was done accordingly.

Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 17.

Lord Darnley adverted to the inconvenience to which their Lordships were sometimes exposed, from the heat of the house, and suggested, that though philosophers had declared, that a remedy was impracticable, a committee ought to be appointed to consider the subject.

The Lord Chancellor stated, that he himself had suffered excessive inconvenience from the cause mentioned by the noble Earl; and also adverted to the obstructions in the approaches to the Houses of Parliament, from the operations of certain companies, who had been allowed to take up the stones in the streets for their own interests. He wished it might be understood by those companies, that it was incumbent on them to restore the places where the stones had been, or might be, so taken up, to their former state; otherwise he should feel it his duty to notice the matter in another manner, for the convenience as well as safety of their Lordships, and many others, his Majesty's subjects.

CURATES' BILL.

The House proceeded to the consideration of the report of the curates' bill, in which some verbal amendments were made, and the second clause struck out.

On the clause being read compelling the incumbents to reside,

Lord Ellenborough took the opportunity of expressing his surprise that no provision had been made for compelling curates, as well as rectors, to reside in the parish, to the cure of which they were appointed.

Lord Eldon concurred in this remark, and observed upon the general inefficacy of the laws to enforce the residence of the clergy.

Lord Redesdale, with much warmth, attacked the lower orders of the clergy, complaining of their residence far from their parishes, in market towns, for the sake of a game at cards; of their riding with indecent speed from church to church, and hurrying through the service with unbecoming levity: one instance, he stated, where a farmer's wife had compelled the parson to return to his pulpit, because he had omitted several of the prayers. On the whole, he thought that the sacred duties were very imperfectly performed, and attributed the neglect to the inattention of the bishops and dignitaries of the church.

The Archbishop of Canterbury, with considerable energy, repelled this attack, and denied its general accuracy. He insisted that residence was far more general than formerly —that clergymen were more attentive to their functions, not merely in their churches, but throughout their parishes. In the particular instance referred to, the person who had so ill fulfilled his duties had been removed. He reprobated very severely these attacks upon the church, which could produce no benefit, and only increased the enemies of the establishment, already too numerous. Since the appointment to his see, he had never met with a more painful circumstance than the unjust charge to-night preferred.

The Bishop of Bangor, after 50 years' experience, declared the accusation to be void of the slightest truth, and accused Lord Redesdale of unwarrantably concealing the fact of the deprivation of the negligent curate to whom he had referred.

Several other reverend prelates vindicated the conduct of the superior and inferior clergy with considerable fervour.

The various clauses of the bill having been gone through, and many verbal amendments made at the suggestion of Lords Ellenborough, Eldon, Harrowby, Grenville, &c. the report was agreed to; and on the suggestion of Lord Harrowby, it was ordered that the bill should be engrossed, printed, and read a third time on Friday.

Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 17.

The country bakers' bill was read a second time, and referred to a select committee, after a short conversation between Mr. Protheroe, Mr. Franklin Lewis, and Mr. Yorke.

The report of the committee of supply on the Irish budget was received; and after a few words from Sir J. Newport, Sir F. Flood, and General Mathew, against the malt duty, and from Mr. Fitzgerald for it, the resolutions were agreed to.

Mr. Canning presented a petition from 6000 freemen, inhabitants of Liverpool, (for whom, he said, he felt the highest respect, though he differed from them in opinion); they attributed the distressed state of the manufactures, the protraction of the war, and the other calamities of the country, to the inadequate state of the representation.

The petition was brought up, and laid on the table.

CATHOLIC BILL.

Mr. Grattan, in rising to move the order of the day for the House resolving itself into a committee on the catholic bill, noticed, that there were certain clauses proposed by a right honourable gentleman (Mr. Canning), and certain ideas thrown out by a noble Lord (Castlereagh), which, as the clauses materially affected the bill, it was desirable should be taken into consideration at the same time. In order to accomplish this object, he begged leave to propose that the committee to-night should sit *pro forma*, and after receiving all the clauses to be offered, that the bill should be recommitted, and taken wholly into discussion on Monday next. He was the more inclined to offer this delay, because he entertained a strong confidence that the concurrence of all those friendly to the bill might, in the mean time, be secured to the detail. The candour of both sides, he was happy to say, tended to an accordance favourable to the bill. Those who were for securities, and those who were for emancipation, appeared to be ready so far to approach in conciliation towards each other, as to give promise of a termination calculated to promote the public good, and ultimately to strengthen and unite the interests of the Empire.

Mr. Ryder did not object to this mode of bringing the sub-

ject forward for the consideration of the House, as under all circumstances he thought it as proper as any that could be devised. He congratulated himself on observing, that the prediction he had formerly hazarded, that the measure could not pass in the form in which it was introduced, was even so early as this day verified. At the same time he took an opportunity of stating, that he could not anticipate any securities which could be offered that could render the passing of the bill a measure which could be carried without imminent danger to the protestant establishment. (*hear!*)

Mr. Canning explained his reasons for having desired that the clauses he had offered should be printed; and noticed the salutary effect this step had produced, in submitting the information connected with the bill to gentlemen much sooner than could have been done by any other course. Since he first proposed these clauses, he had received numerous suggestions, to which he had given all the attention their importance demanded; and he was therefore in hopes, that when he again brought them forward in the committee, he should be able to do so in an improved and amended form. He professed to come with the most impartial and candid temper to the discussion of this great question, and trusted it would be met on all sides by a like desire only to come to a decision which could be universally satisfactory to the country. As to the credit taken by the right honourable gentleman (Mr. Ryder), for the fulfilment of his prophecy, he could see no great cause the right honourable gentleman had for that. A retrospect would have been equally effectual in enabling him to fortel that there would be some delay on this great question, where there were many substantial difficulties to surmount, and after these were surmounted, many different shades of opinion to reconcile, and where they had not only to satisfy their own minds as to what was right to be done, but to touch with the tenderest hands even the prejudices of others. He was however happy to say, that mutual concessions had much facilitated out-of-doors' discussions, and he trusted they would be equally effectual within.

Lord Castlereagh, from the necessity that existed of looking at the measure as a whole, approved of the mode of proceeding that had just been proposed, and commended the course that had been taken with regard to printing the clauses, as it enabled the House to come to an earlier matu-

rity of judgment than it could otherwise have done. He also expressed a hope that the clauses might be so framed, as to conciliate all parties in favour of the original measure, and render it unnecessary for him to bring forward any proposition on the subject.

Mr. Yorke agreed that the mode proposed was the best that could be adopted. At the same time he begged leave to give notice, that if the clauses for admitting catholics into the House, and to all offices, civil and military (with one or two exceptions), were brought forward in their present shape, he should feel it to be his duty to take the sense of the House upon them. In other words, he should propose a great many more exceptions. (*hear, hear!*)

The House then went into a committee on the bill, *pro forma*, when a number of clauses were brought up; and in order to receive those of Mr. Canning, it was resolved that the House should, on Wednesday next, resolve itself into the same committee.

Mr. Hiley Addington obtained leave to bring in a bill for the regulation of the militia laws. It was read a first time, and ordered to be read a second time on Friday.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 18.

SINECURE BILL.

Lord Grosvenor rose to move the second reading of the sinecure bill; and after some preliminary observations, stated his apprehensions, that his arguments would not be very favourably received, and that he should be left in a minority. He was sorry that the bill had not been taken in hand by one more capable of doing it justice than himself. He had applied to another noble Lord to undertake the duty; but this had been refused, so that he himself was under the necessity of moving the second reading of the bill. The object of the bill was to abolish sinecure offices, and to regulate those offices which were not sinecures, but where the duties were executed by deputy, and where the emoluments were much too large. This would be a most useful

measure in an economical view, and one which, therefore, deserved the support of their Lordships. There was not in the whole practice of the constitution a greater monster than this system of sinecure offices, where the holders were paid for doing nothing. They were not themselves the constitution, but an abuse of the constitution. It might be argued, that they were necessary for rewarding merit and services; but they were very illcalculated for that purpose. When the claim of a man of distinguished merit arose, there was generally no vacancy of this kind; and when the vacancies occurred, the offices were in truth given away upon political or family considerations, without much regard to distinguished merit. The word sinecure was a very unpopular word, and indeed so was the word pension, of which several no very favourable definitions had been given. He was informed that it had sarcastically been stated in another place, that it was no matter though the bill passed the other House of Parliament, for it was sure to be thrown out in the House of Lords. Now he hoped their Lordships would disappoint that expectation. Under the present circumstances of the country, every measure was valuable which had a tendency to promote economy; and unless their Lordships agreed to the principle of this bill, he was afraid that their House, however undeservedly, might sink considerably in public opinion. The noble Lord on the woolsack had declared, that unless he (Lord Grosvenor) called the attention of the House to this bill, he (the chancellor) would. Now, if the noble and learned Lord had a partiality for the bill, and would engage to support it, he would very willingly give up the task to him; but he rather thought the partiality of the noble and learned Lord to the bill, resembled that of the wolf to the lamb; it was a love—to strangle it. But he hoped their Lordships would observe, that this bill meddled with no vested interests—with none of the places about the royal family, or any office in which a sinecure might be of any real utility. In adverting to some of the most useless offices, he mentioned the noble and learned Lord's cursitors, of which body there were 24. The emoluments of 20 of these were to be abolished, and only four of the cursitors were to be continued—for this very good reason, four only did the whole of the duty—the other 20 did absolutely nothing. As the present system of sinecures then was not calculated for the reward of public services, and only an unnecessary expense to the public, he hoped their Lordships would con-

cur in the principle of the bill. To any alterations in the details that might be found expedient, he should have no objection. Nothing could be more popular than the passing of this bill would be. It would produce almost as much joy in the public mind, as the triumphant manner in which her royal highness the Princess of Wales had been cleared from the foul charges and machinations of her enemies. He wished the author of the bill had been in the House, to ward off, with his broad shield, some of those hard blows which would be aimed at his bill by the noble and learned Lord on the woolsack. The bill, however, he hoped, would, notwithstanding these hard blows, be passed by their Lordships. He concluded by moving, that it be read a second time.

The Lord Chancellor disclaimed all disrespect to the author of the bill; but observed, that any one who could twice have sent to the Lords so crude and undigested a measure as this, did not appear to him to be altogether qualified for giving that consideration to such a subject which its importance deserved. Except the substitution of the word 'salary' for 'revenue,' and a few other alterations of the same kind, the bill differed in nothing from that of last year. He should therefore oppose it on the same ground on which he had opposed the bill last year; namely, the utter impracticability of carrying it into execution. If it were to be passed, it would be entirely impossible for any court of justice to understand the meaning of a single clause of the whole act. The noble Lord talked of his cursitors, but the cursitors were a very ancient corporation; and were their Lordships prepared to say, that the officers of a corporation were never to take for the discharge of their duties more than the lowest rate at which a person could be hired to do those duties? If the regulations of the bill were to be applied to the registrar of the court of chancery, that court would be absolutely shut up. He had heard of expressions of condolence for the poor suitors of the court of chancery; but did this bill relieve the suitors from any fees? No: they paid as before, and all the expected savings were to be carried to the consolidated fund, to relieve the noble Lord and the author of the bill, among others, from a part of their taxes. There was to be no mercy for him, (the chancellor), and others who were hard labourers:—they, who had no princely estates, no rich mines to supply them with wealth, were to be confined to the narrowest possible pay. Such was the notion of economy which appeared to be

entertained by the supporters of the bill. But it was no measure of economy. On the contrary, he was convinced it would be the cause of real profusion. With regard to the House of Lords, he would do it the justice to say, that in no place was more attention paid to proper public economy; but he trusted it would never suffer itself to be so far misled, as to pass a measure of this kind, under an idea that it would promote public economy; which it had no tendency whatever to do, but the very reverse, even if it were practicable to carry it into execution.

The Earl of Lauderdale was sorry to be obliged to speak of any bill in which his noble friend took an interest, as he must do of this bill. In the first place, he had never seen so crude and undigested a bill upon so important a subject. There was hardly a single intelligible clause in the bill. As to the point of economy, it would not only be nugatory but mischievous. If they once began to reward by pensions instead of these sinecure places, they would soon find that the mode of pensions would be by much the most expensive. Ministers, he had no doubt, often found these sinecures a means of parrying applications; for they could say, "when such a place becomes vacant, you shall have it, but at present I have nothing to give." It did not follow that those who were born to large fortunes were always the best calculated for the public service; and it was fitting, that the state officers should be so liberally paid, as to support the dignity of the station, independent of any private fortune. They were at present far from being adequately paid. The salaries of judges in Scotland had been increased, from the time of the revolution, from 250*l.* to 1800*l.* Several other offices had likewise been increased, but the great state offices had not. It was altogether a bad principle to leave these offices without adequate salaries. He had heard of performing the duties of offices for nothing—than which there never was any thing more absurd and extravagant. If the duties were performed for nothing, they would soon be but very ill done. The sense of responsibility would be greatly diminished, and the public service would suffer a thousand times more harm, than it could derive benefit from a trifling economy. He thought these committees of the House of Commons highly useful, when they confined themselves to the great features of the public expenditure; but they went altogether out of their way when they occupied themselves with these details of office. It was the

business of the executive government to attend to these, and the intermeddling of the committees only diminished the responsibility of the executive government. This sinecure committee had sat seven years, and this bill, and another which their Lordships had very properly treated, were all that he had ever seen of its labours. If it had done nothing better, it had employed its time to no very beneficial purpose. His Lordship also adverted to the miserable criterion by which the rewards of the officers of government were by this bill to be regulated, by the length of time they were in office. It was offering a bribe to those to continue in office whom it might be of the greatest service to the country to have out. It might tempt an avaricious minister to remain in office, though he differed from his colleagues in the most essential points, and when the most important interests of the country might depend on his resignation. Was it right that the King should be deprived of the power of rewarding the merits of such men as Mr. Fox or Mr. Burke, merely because they had not been a certain time in office? The great talents of the servant—the magnitude of the service, were here no criterions. These might go without reward, while those who contrived by any means to keep their placesfor a certain length of time, were to be amply provided for. He was convinced that the author of the bill was not aware of the great importance and many bearings of the subject.

Lord Ellenborough never saw any thing in the shape of legislation so extravagantly absurd as this bill throughout the whole of its clauses. For instance, the place of secondary in the court of King's Bench was to be regulated. It was a most laborious situation, and the secondary being old, had taken an associate to help him to get through the business. But it was proposed that the business should be done by one, which was exactly this kind of logic—"as you can hardly climb the hill with two horses, you shall in future only have one!" There was something jocose in the manner in which some of the offices were classed in the bill. The chief justice in eyre was put into a truckle-bed with the surveyor of woods and forests; the clerk of the pells was put to bed with the lord privy seal; and some other with the president of the council. It was impossible those who passed the bill could have read it. A bill so crude, so unintelligible, so unread, and so undeserving of being read, he had never seen nor heard of.

Lord Grosvenor replied; after which the second reading was negatived without a division.

Lord Liverpool then moved that the bill be rejected, which was agreed to; Lord Grosvenor appearing to be the only dissenting voice.

HOUSE OF COMMONS.

THURSDAY, MAY 18.

Mr. Wilberforce, in presenting a petition for the committee of the baptist missionary society, praying that no obstructions might be interposed to their endeavours to convert the Hindoos, took the opportunity of correcting a mistake that had gone abroad respecting their intentions. It had been erroneously stated, that it was their object to propagate their own peculiar tenets, instead of the general faith of Christianity. This was a great misapprehension of their designs. No persons had, under the same disadvantages, rendered such essential service to the work in which they were engaged. Dr. Carey had made such incredible progress in the knowledge of the native languages of India, that he had been placed at the head of the College at Calcutta by Lord Wellesley, and Lord Minto had borne testimony to his merit, by saying that his acquaintance with the tongues of Hindostan exceeded that of Sir W. Jones. He then passed an high eulogium on the members of the society, who had expended all their earnings on the great work they had undertaken.

General Gascoigne confirmed the statement of the honourable gentleman, as to the mistake which had gone forth on the subject of the intentions of the baptists. The petition was then ordered to lie on the table.

LICENCES.

Mr. Martyatt presented a petition from some merchants of London, complaining against the issue of licences granted for the importation of American commerce. He said the system gave encouragement to the industry of the enemy, without any corresponding advantage to ourselves. The patriotism and courage of the people of Canada deserved a better boon than this favour which was given to their enemies to their disadvantage. He had heard it said that it was

impossible to blockade the ports of America: he allowed that they could not be hermetically sealed during the whole year, yet at the time when our ships were forced to abandon the coast, no neutral could dare to approach. He objected to the lumber which these licences would import into the British market. He concluded by observing, that the Northern States of America, which had been adverse to the war, entertained this feeling, because war would destroy their commerce: but allow them the benefit of trade through the licences, and their motive for disapproving hostilities with this country vanished at once. (*hear!*)

Mr. Robinson, in answer, said, that as to the articles which would be imported into our market, America must send what she had: she had none but raw articles to export. He maintained that the licences now given would enable America to pay for those articles which she had already got from us. He would allow, that if a strict blockade could be preserved through the year, that the licence system would be disadvantageous: but as this was impossible, he saw no reason why this country should not share in those profits which it could not prevent the neutral from acquiring.

LEATHER TAX.

Mr. Benson rose, pursuant to notice, to move for the repeal of this tax. He did not bring forward this question from motives of hostility towards the right honourable gentleman (the chancellor of the exchequer), nor to embarrass the measures of the government; but from a wish to give relief to a most important branch of trade which was in a state of suffering. The first class of persons injured by the tax was the tanners: they had, indeed, almost paid the whole tax out of their own pockets: and so much had it affected them, that by way of illustration, he could mention that the capital of one whom he knew, had been reduced from an immense sum almost to nothing. The American market being thrown out of use, the trade had been diminished more than one-third. The currier, though not an equal sufferer, joined in the petition, because he saw, that although the tax was paid by another, yet his own profits were diminished, and the demand for his articles had fallen. The tanner in shumac, and the oil-dresser, were equal sufferers. The shoemakers throughout the kingdom had raised a general complaint. In Staffordshire, in particular,

some wholesale manufacturers had been reduced from capitals of £5,000*l.* to almost nothing, and had scarcely been able to keep their labourers from starving. Some had in a short period been so reduced, that when he went to thank them for their kindness in returning him to Parliament, they had met him at the threshold of their doors with a hearty shake, indeed of the hands, but had expressed their unwillingness that he should enter their houses to see their poverty. (*hear, hear*!) He then alluded to the evidence of Mr. Roby, a tanner, who, while he denied that he had been affected by the tax, said that most of the tanners about him had been thrown into a state of alarm, and that some minor traders were forced to relinquish their business altogether. A different evidence had indeed been given by Mr. Maberly, who was neither a tanner, a currier, nor a shoemaker, but a government contractor. This gentleman had made a calculation, whose elaborate accuracy did him great credit: he had estimated, to the fractional part of a farthing, how much the government would receive, but he had not told us what the poor man paid. (*hear, hear*!) In many cases, and in this particularly, there was no proportion between the benefit received by the government, and the money paid out of the pockets of the poor. In this tax indeed government paid the greater portion of it out of its own funds; for had it not been for the immense demands they had made for leather, the trade must have altogether failed. He was at a loss to conceive what would be the line of argument pursued by the other party. The chancellor of the exchequer, when he brought forward this tax, had said that this manufacture was in such a flourishing condition that it could well afford to be taxed; he had no doubt he would now have the candour to acknowledge that he had been misinformed: for even at the time of imposing the tax, the manufacturer was in such a state as to require a bounty, rather than any fresh imposition. He therefore moved for leave to bring in a bill to repeal so much of an act of the 52d of the King, as related to an additional duty on hides and skins.

Mr. Wharton contended, the distress mentioned by the honourable gentleman did not arise from the leather tax, and observed, to remove it, he ought not to move for leave to bring in a bill to repeal the act of which he complained, but to bring in one to revive the trade of the country. A variety of circumstances to which the honourable gentleman

had not alluded, might cause those of which he had spoken. The tax pressed but lightly on the labouring man, though the contrary had often been asserted. It was calculated that it deprived him of the produce of one day's labour in the year, while it fell enormously heavy on the gentleman, as his shoes, his boots, his coach, his harness, his book-binding, and, in short, almost every thing belonging to him, were affected by this tax. The effect of the purchases of government was not such as had been described. These, compared with the produce of the tax, were but as 22,000*l.* to 346,000*l.* its total amount. The alleged falling off in the produce of this duty was easily to be accounted for, as the quantity of hides and skins brought in after his right honourable friend had submitted his proposition to the House, and before the bill passed, was sufficient to account for a much larger defalcation. Though this duty was now so much complained of, the tanners had been within these few years obliged to pay an advance of three halfpence per lb. on each hide, on account of the high price of bark, and they had felt no alarm at that. That they cheerfully paid, but the moment three halfpence was laid on by way of duty, they were all said to be ruined. He then commented on various parts of the evidence, and particularly dwelt on the absurdities and contradictions which appeared in the statement of the witnesses Breen and Learmouth. The export of leather from Poland was so trifling that it could not possibly be in any degree injurious to the leather trade of this country. Even if the Irish tanner could attempt a rivalry, he did not believe it would be the policy of England to repress it. He would now ask whether the duty should be repealed upon the evidence of such men as he had been describing?

Lord Compton contended, that as the tax was unequal in its operation, and found to be unproductive, it could not be a good one. Even the witnesses who had been examined in the committee in favour of the tax, were to the full as contradictory as the witnesses on the other side of the question. As he considered the tax a bad one, he would vote for the motion.

Mr. Bennet thought there would be no difficulty in producing four times the amount of the tax in a manner less oppressive, that was by the retrenchment of useless expenditure. As to the returns of exports and imports, read by the right honourable gentleman (Mr. Wharton), when he

recollected the proceedings last session on the orders in council, he was not disposed to put much faith in those returns.

Mr Lockhart said, the loss to the poor man by this tax was not what merely fell upon him for the article of shoes. Many persons, particularly such as worked in woods, had most of their dress composed of leather. The family of the poor man was besides to be considered. He would support the motion.

Sir Thomas Foley said, a report was in circulation, that the chancellor of the exchequer was not the author of the tax, nor a great friend to it. The accredited father of this child was the secretary of the treasury, and he wished the chancellor of the exchequer would rather risk the displeasure of that right honourable gentleman, and gain for himself, by giving up for this tax, the gratitude of many thousands.

The Chancellor of the Exchequer said, it was remarked by a noble baronet (Sir T. Foley), that he had taken up the measure at the recommendation of his right honourable friend (the secretary of the treasury). The truth was, that the measure had been for some time in his own contemplation, as well as that of his predecessor (Mr. Perceval). He was now convinced that the tax could not be given up, or replaced, except by one much more exceptionable. The repeal of it would produce nothing at least for a long time, but so much clear gain to the dealers in leather. With respect to the accounts of Mr. Irwin, alluded to by an honourable gentleman (Mr. Bennet), he must say, that there was no man of more integrity or more to be depended on than Mr. Irwin. His accounts were as accurate as they could possibly be, nor were they ever falsified for any party purpose. The tax was represented as unproductive. It fully answered all his expectations. If they compared its produce with one imposed at the same time on glass, it would be found that it had been productive in a degree much superior to the latter. In the three first quarters, ending the 5th of April last, the total amount of the receipts from the additional duty upon leather was 118,000*l.* while that upon glass, ending at the same time, was only 2089*l.* Considering the cry that had been raised against the tax, and that the tanners had been induced to diminish their trade with a view of removing this tax, the wonder was that it should be so productive. The removal of it would not diminish the burthen upon the poor, because from

the evidence it was clear that the rise in the price of leather did not proceed from the additional duty. Upon the heavy shoes of a farmer the addition of duty was not more than 6*d*.. The licence for tanners had lately much increased, which was a clear proof that the trade was not a losing one. When the calls upon the country were so pressing and so heavy, it was not a time for lessening the means of answering these calls. He must therefore oppose the motion.

Mr. Robinson explained, that the tax had no effect upon the importation of hides, and showed that the diminution of 1812 was caused by the excessive import of the three preceding years.

Mr. W. Smith agreed with the chancellor of the exchequer on many points, and also thought that some of the objections to the measure had been urged beyond the fair point. But he opposed it as disproportioned on the manufacturers of leather, and falling on the lower orders of the people.

Mr. Benson replied, and the House divided—

Ayes - - - - - -	104
Noes - - - - - -	104

The members being even, the speaker gave the casting vote in favour of the motion.

The admiralty registrar's bill went into a committee, in which Sir W. Scott suggested that the instance court of admiralty should be exempted from the operation of this bill, and that a sum of 10,000*l*. should be left for the necessary disbursements of the office of the prize court. After a few remarks from Mr. Martin, Mr. Whitbread, Mr. Stephen, and explanation from Sir W. Scott, the other clauses were gone through, the report received, and ordered to be taken into further consideration on Friday.

Mr. Benson brought in the leather duty repeal bill, which was read a first time, and ordered to be read a second time on Thursday.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 19.

The House met at 10 o'clock, and Mr. Leach, Sir S. Romilly and Mr. Thompson, were heard in the appeal case of M'Adam v Adam.

This is a very important case with a view to the Scottish law of marriage. Mr. M'Adam, a gentleman of very large fortune in Ayrshire, kept a mistress in his house for some years, and had children by her. One morning he called the servants into the room where he and his kept-mistress were at breakfast, and taking her by the hand, declared in their presence that she was his wife. The same day he shot himself. The question is, whether this is a valid marriage, and consequently the children legitimate? Upon the decision of this question depends the succession to a real estate of 10,000*l.* per annum. It was observed by one of the judges below, that if this should be decided to be a valid marriage, the poor Gretna-Green blacksmith would be ruined, as the English couples would only have to pass the borders, and marry themselves without his assistance. Further hearing on Friday.

The Earl of Lauderdale moved an alteration in the standing order relative to proxies, which had become necessary, owing to the new regulations in regard to the hearing of appeals. The effect of it was, that no proxy should be received from any peer that had been present in the House the day on which the proxy was to be used; and that no proxy should be admitted in voting, unless given in before three o'clock of the day in which any question, in regard to which the proxy was tendered, was to be decided. The proposition was agreed to.

The exchequer bills bill, and Covent Garden market bill were read a third time and passed.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 19.

Sir H. Montgomery withdrew his proposed motion on the conversion of the Hindoos for the present, on account of

the numerous petitions on the table, and because the papers for which he had moved were not all laid on the table.

Mr. Robinson obtained leave in a bill to allow the importation of certain articles of provisions into the colonies of the West Indies and Newfoundland, for a limited period.

Mr. Kenrick obtained leave to bring in a bill for the relief of the poor debtors in Dover Castle, and another bill to repeal certain clauses in local acts relating to the poor. The bills were read a first time, and ordered to be read a second time this day week.

Mr. Creevey gave notice (in consequence, he said, of the sinecure bill being lost in the Lords), first, of a motion to-morrow week for the abolition of the office of joint paymaster, and also for Tuesday week, for the abolition of the office of paymaster of the marines.

Sir George Clerk, in moving the committee on the mail coach bill, said it was his intention to move, that mail coaches in Scotland should be exempt from toll, and that there should be a compensation of one half-penny on every letter.

Mr. Wynne objected, that some regulations had not been adopted with respect to Wales, for want of which the roads would soon be impassable in that country.

The bill then went through the committee.

A message from the Lords, brought up their assent to the exchequer bills funding bill, with an amendment in the title, which being merely the correction of a clerical error, was agreed to.

LEATHER TAX.

Mr. Benson asked the chancellor of the exchequer, whether it was his intention to oppose the bill, after the expression of the sense of the House last night?

The Chancellor of the Exchequer said, the honourable gentleman had no right to put such a question; but he had no objection to answer for his convenience, that he certainly should oppose it, as he did not consider the opinion of last night decisive. He gave notice, that he should to-morrow, move in committee, that sugar should be imported from St. Eustatia, Mariegalante, and St. Martin, for home consumption, as from Martinique and Guadaloupe.

Mr. O'Hara said, as he had been the person who had moved the instructions to the Irish finance committee, who had given answers not at all satisfactory, he was the pro-

perest man to move that the report be taken into further consideration. He concluded by moving that the report be committed.

Mr. W. Fitzgerald, Sir J. Newport, and the chancellor of the exchequer, each said a few words against the motion, to which Mr. O'Hara replied very shortly, when the motion was negatived without a division.

ROMAN CATHOLICS.

On the motion of Mr. Grattan, the House resolved itself into a committee on the Roman catholic relief bill.

Mr. Canning, in bringing up some new clauses, which were not read, observed, that in them he had endeavoured to combine and meet the views of most of those with whom he had had communication on this most important subject; and he had been particularly anxious to avail himself of the suggestions of a noble Lord (Castlereagh), and he hoped he had been successful. He trusted, that he had now succeeded in arranging effectual securities, not only for the protestant but also for catholic freedom. He should not now detain the committee for the purpose of explaining his clauses, except it was desired; but he should wait, as had been previously arranged, until the whole had been printed, and had regularly come to the hands of every member.

Mr. Plunkett observed, that in the present state of the bill, he should not occupy much of their time in expressing his complete approbation of all that was now before them; but if the committee would pardon him, he would trespass on them for one moment more, as this might be the last opportunity he should have of addressing them on the present subject, as he was about to absent himself from this part of the kingdom for some time. He had paid the greatest attention to the clauses just proposed by the right honourable gentleman (Mr. Canning), as well as to the labour of the right honourable gentleman (Mr. Grattan). He was happy to say, that the entire of the clauses as they now stood, had his most cordial approbation. (*hear!*) More he would not say on the present occasion, but he was rejoiced to see that the right hon. gentleman had succeeded so well in the accomplishment of the two great objects of of the measure—security to the principles and establishments of the protestant, and also to the free exercise of the opinion of the catholic, at the same time that he was admitted to participate in the benefits of the constitution.

It was his opinion that those objects had been most clearly and satisfactorily accomplished by the bill in its present state—that such securities had been proposed as ought to satisfy even the most jealous of the protestants, as well as the most inimical amongst the catholics. In thus briefly stating his cordial approbation of the whole of the clauses, he could not sit down without expressing his hope, though he might not be present in his place to support the bill, that he might not be useless in promoting its objects, and in more clearly explaining its views in the country to which he was going. (*hear, hear* !)

Lord Castlereagh expressed his concern at the intended departure of the honourable member who had just spoke; but he drew some consolation from that circumstance, as it was to be hoped that he (Mr. Plunkett) would remove those false impressions which had been made on the minds of some men in Ireland respecting the nature of the bill. (*hear* !) Now that he was on his legs, he could not but bear testimony to the successes which had attended the right hon. member's (Mr. Canning's) endeavours to meet his (Lord Castlereagh's) views in the clauses which had just been presented; and he hoped, in the course of the progress of the bill, that he should be able to give his cordial support to the bill; at present it had his concurrence. (*hear, hear* !)

Mr. Lockhart thought that further time ought to be given for the consideration of the new clauses, as they would not be printed for two or three days, and on Monday they were to be discussed. He wished for further time, not only on account of members of that House, but also on account of England. He disliked precipitation on a subject of so much importance.

Mr. Canning had no objection to go into a full explanation of all his views in proposing the clauses, if the committee wished him to do so at the present time, (*no, no,*) but he had deemed it to be understood that nothing could be said this night that could call forth any thing like debate; that the clauses should be proposed *pro formâ*, for the purpose of having them printed, which would be done in 24 hours, and therefore he had abstained from any thing like remark or explanation. But at present he really thought they were not in a state to go into that explanation; and as there were only shades of difference between many of the friends of the bill, imperfect statements might have an

injurious effect, and which could only be avoided by waiting till the clauses were printed, and in the hands of every member. The time occupied by the printing would be very short, but he was ready to give full explanation now if required. (*no, no.*)

Lord Castlereagh thought, that on so delicate a subject, explanation at the present moment was unadvisable—that it would be much better to wait till the clauses should be printed. (*hear!*)

Mr. Ryder differed from his noble friend—he thought some explanation of the clauses ought to be given, before the House came to the discussion of them. They had just received clauses, which would not be printed, perhaps, before Saturday, and on Monday they were to be discussed. The subject was one of delicacy; but ought it therefore to be so precipitated? The clauses might be of great length; and they ought first to be printed, then to be explained after they were in the hands of the members, and further time ought to be given for the discussion of them. He could not but express his regret at the intended departure of an honourable member opposite (Mr. Plunkett), though possibly he (Mr. Ryder) might have reason to dread his talents; yet he could not but regret that the House would not have the benefit of his talents in the discussions that might take place on the bill. (*hear!*) Though that honourable member had expressed his cordial approbation of the entire of the clauses, he (Mr. Ryder) still retained the opinion which he had already expressed against the principle of the bill; and he had little hope that any thing would be adduced which could induce him, in the future opportunities which he should have of expressing his sentiments, of altering the opinion which he had already given.

Mr. Canning stated, that the clauses would be ready for every member long before Saturday—that they would be printed by to-morrow evening at latest; and therefore the complaints that had been made were not well-founded. He, however, could not but express his hope, as well as his firm belief, that the endeavours of the right hon. gentleman to disparage the bill would be futile, especially as the attempts had been made in a somewhat irregular manner, at a moment when it was understood on all sides that nothing should be said this night that could call forth any thing like debate.

The clauses were passed, as having been read a first time,

after which the House resumed, when Mr. Abercrombie, the chairman, obtained leave to sit again on Monday next. The clauses were ordered to be printed.

Mr. W. Fitzgerald brought in the Irish two millions loan bill, which was read a first time, and ordered to be read a second time to-morrow. He then brought in the Irish assessed taxes bill, which was read a first time, and ordered to be read a second time after

Sir J. Newport had objected to the manner in which it appeared to be wished to hurry these bills through the House, without giving an opportunity for discussing them.

The Shoreditch poor bill was read a third time, on the motion of Mr. Mellish, and passed.

Adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 20.

The American prize bill and the Swedish claims bill were read a second time, and committed for to-morrow.

The Scots creditors' bill passed through a committee, and was reported.

Mr. Melville, from the East India house, presented a copy of a minute of the court of directors, respecting Christianity in India. Ordered to lie on the table.

The Shoreditch poor bill, some local and private bills, were brought up from the Commons by Mr. Lushington, Mr. Shiffner, Mr. Houblon, Mr. Douglas, Mr. Charles Dundas, Lord Stanley, and other members, and read a first time. The debenture and exchequer bills bill were returned by Mr. Lushington and other members, with the amendments agreed to.

Four petitions for facilitating the introduction of Christian knowledge into India were presented by the Earl of Hardwicke, and ordered to lie on the table.

The Edinburgh goal bill and the East Smithfield improvement bill were read a third time and passed.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 20.

PRIVILEGE OF THE HOUSE.

Mr. Creevey said, he thought it his duty to acquaint the House, that he had been obliged, that day, to pay a fine to the King of 100*l.* or go to prison, for a supposed libel contained in a speech made by him in that House. Deeming this a case of the greatest importance for the consideration of Parliament, he had drawn up a petition and remonstrance on the subject, in which he had given a complete detail of the circumstances of the case, intending to have presented it this night. The time required for extending the narrative in a fair and legible form, rendered this impossible to-night. The petition and remonstrance should be ready to be presented to-morrow; and in the meantime he thought himself called on to give this intimation to the House, thereby availing himself of the earliest opportunity of apprising them of the situation in which he had been placed. His petition and remonstrance he should have presented to-morrow, and should then name some other day on which to bring the subject under the consideration of Parliament.

MR. PALMER'S CLAIM.

On the motion of Colonel Palmer, the resolution of 16th May, 1808, relating to Mr. Palmer's claim, was read; after a few words from the chancellor of the exchequer the accounts of the percentage arising from the post-office revenue were ordered to be laid before the House; and the subject was ordered to be referred to a committee of the whole House to-morrow.

On the second reading of the Irish customs bill, Mr. Whitbread, understanding that it was the intention of a right honourable gentleman to move that certain papers relative to the civil list should be referred to a private committee, intimated that he should move that they be referred to a committee of the whole House.

IRISH MALT DUTY BILL.

On the order of the day for the House resolving into a committee on the Irish malt duty bill,

Sir John Newport opposed it, on the ground that the effect of the bill would be to prevent the use of beer instead of spirits, by which the correction of a great moral evil might have been attained. That the measure too, instead of an augmentation, would lead to a diminution of the revenue, he inferred from a comparison of the revenue in the year 1808, when the duty was 7*s.* per barrel, with what it was after an additional duty of 8*s.* 10*d.* per barrel had been imposed, when, instead of an increase, there was a deficiency to the amount of 200,000*l.* An increase of tax, not duly controlled, he contended, did not tend to increase the revenue.

General Mathew said, the present bill would have the effect of ruining the brewers in Cork, Limerick, Waterford, and Fermoy, as it would have the effect of checking the export trade, which had lately begun to be carried on from those places.

Mr. W. Fitzgerald supported the bill; he had agreed, at the suggestion of several of the county members of Ireland, to reduce the duty from 5*s.* to 3*s.* and he had expected that this would have made the measure generally palatable. In Ireland they were precluded from taxation on any article not taxed in England. Did gentlemen who opposed the present tax, wish him to introduce the income tax into Ireland?

Mr. D. Browne supported the bill, nothing but a measure like the present could do away illegal distillation.

Mr. French was decidedly against the bill.

After a few words from Mr. Peele and Sir J. Newport, the House divided on the question for the speaker's leaving the chair, when there appeared

For the motion - - - - -	110
Against it - - - - -	36
Majority - - -	74

The House having then resolved itself into a committee, after a conversation, in which Mr. Shaw, Mr. Fitzgerald, Sir J. Newport, and others took a part, the bill went through the committee. When the House was resumed, the report was ordered to be received to-morrow.

AMERICAN CLAIMANTS.

Mr. Lockhart then rose to call the attention of the House to the report of the committee concerning American claim-

ants. These claims went pretty far back, as our merchants were in the habit of giving large credits to those of America previous to the war which broke out in 1776. At the termination of that war, the 4th article of the treaty of Paris, in 1782, stipulated that the subjects of each country should be entitled to the full amount of their debts in sterling money. That article, however, was never ratified by the government of America. After some remarks on the treaty of friendship and alliance in 1794, so far as it related to this subject, he proceeded to observe upon the conduct of the commissioners appointed by this country and by America, and said that the latter acted not like the agents of a great nation, but like the interested partisans of individuals, or as if they were commissioned to act for private persons. When the British commissioners returned to England in 1800, though they had been able to effect nothing, their conduct was approved of by the British government. Though the claimants had been a long time silent, they remonstrated upon the return of the commissioners, but the remonstrance had little effect, as the ministry were soon afterwards changed. When Lord Grenville was secretary for foreign affairs, the British claimants had many conferences with him. They stated their losses at that time at two millions. In 1806, government negociated with the American government, and consented to accept of 600,000*l.* as a liquidation of the whole demand, and this without the knowledge of the British merchants: as soon as they heard this they remonstrated against it. This sum was divided only last year by the commissioners appointed for that purpose; and they declared that the losses of the merchants (from the claims that had been proved) amounted to the sum of 900,000*l.* more at that time. He thought it probable that the ministry in 1802 were induced to accede to the convention already mentioned from an apprehension that a refusal on their part might lead to a new war with France and with America. The honourable gentleman, in support of the claimants, alleged the cases of the settlers who had sustained losses by the cession of the Floridas—of the settlers on the Mosquito shore, who were indemnified on the cession of that country to Spain—of the sufferers under the sequestration by the Spanish government in 1796—and more especially the case in which the captors of a Swedish convoy had been indemnified by the government, on the restoration of the vessels to the Swedish government. He was aware how

unpleasant it was to press a claim on the House at such a time; but any relief to be granted to the claimants would be effective only by being speedy. He accordingly submitted to the House this proposition—"That the petitioners have established such a case as forms an equitable ground for parliamentary relief."

The question having been put,

Mr. Vansittart said, that the proposition of the honourable mover went to this—that if the government was unable to obtain relief for the claimants from a foreign power, the House of Commons was bound to indemnify the losers. The question turned on these points, viz. 1st, Whether the government was justified in concluding the treaty of 1802, without obtaining full indemnification for the claimants; and, 2nd, Whether, when the government had so failed, the Parliament was bound to make it good. The first branch of the question had been waved by the honourable mover; but he should remark, that by the treaty of 1802, the claimants were at full liberty to pursue their claims in America, immediately after the peace of 1784, by which it was stipulated, that no unlawful impediment should be thrown in the way of subjects of either nation having claims on those of the other. Besides this, the specific sum of 600,000*l.* had been obtained for our merchants. This indeed was not so much as they desired, but he had the authority of the claimants (through the letter of Mr. Glassford, their agent) for saying that any sum would be preferred by them to an indefinite claim on the American government. To accede to this claim would encourage the practice, already too extensive, of vesting money in foreign funds, as those who vested their money would be sure of payment from their own, if not from foreign governments. As to the case of the Swedish convoy, the vessels had been restored to the Swedish government after they had, by condemnation, become the property of the captors. He contended also, that the case of the settlers on the Mosquito shore was not parallel, and that the remuneration granted to the losers, under the sequestration of the Spanish government in 1796, was not of right, but from the pure liberality of the crown. He should therefore move the previous question.

Sir T. Baring said, he had come down to the House without any idea on what ground this motion could have been opposed; and he thought that on this occasion the

chancellor of the exchequer could not have viewed the case accurately. He accordingly re-stated the facts which Mr. Lockhart had detailed, and observed, that whenever the claimants had been questioned by Lord Grenville as to the amount of the commutation they would accept, their minimum was always two millions. The claims, he remarked, were originally five millions, and the ground on which the petitioners now came forward, was, that the public ought not to obtain the advantages they had obtained, at the expense of individuals. The honourable baronet concluded by observing, that if the claimants were (as the chancellor of the exchequer had urged) at liberty still to pursue their debts in the American courts, it was not in this light that the treaty of 1802 was viewed by Lord Hawkesbury.

Mr. W. Smith said, he never rose from the consideration of any cause with a stronger conviction of its justice than from that of the petition of the present claimants. The case of the Swedish captors was (he contended) substantially the same as that before the House, though some technical difference might be stated by some better jus-publicist than himself. By the convention of 1794, the British claimants on America, and the American claimants on this country, were put on the same footing, while, in pursuance of it, the American claimants received the amount of the whole of what was due to them, while our own claimants received only 600,000*l.* in lieu of two millions. It was derogatory to national honour to suppose that this was permitted, unless for the sake of some preponderant advantage to this country. And were then individuals to suffer for the good of the community without being indemnified? He admitted that in the case of the Spanish claimants Mr. Pitt would not allow the right of the claimants, which was urged by them, but the remuneration of these claimants was brought forward to support the capture of the four Spanish frigates, one of the worst acts of Mr. Pitt's administration. A disadvantage these claimants laboured under was, that their case was suffered to remain unheard until it was forgotten, and then the claimants (having lost even the support of hope) had to come forward, though in reality with a tenfold claim on public favour, under the most disadvantageous circumstances.

Mr. B. Bathurst opposed the motion, on the ground that

the British government had ineffectually done all that was in its power to enforce the demand of the claimants, who were now left to what he admitted to be the futile remedy of application to the republican courts of justice.

Mr. Whitbread reprobated in very pointed terms the main ground on which the chancellor of the exchequer had refused his compliance with the motion, viz. that the sum demanded was large: if the claim were just, and these unfortunate individuals were deprived of their due, the more enormous the amount the more flagrant was the injustice, and the more severe the cruelty of continuing to deprive them of their right. The honourable member then drew a comparative picture of the conduct of Lord Grenville and Lord Liverpool upon this subject, giving a decided preference to the measures adopted by the former, since they were grounded upon reciprocity. He noticed likewise the origin of the demand, and pressed upon the House the *primâ facie* case that had been made out by the petitioners. He admitted that the refusal by the United States to perform her part of the treaty was not an adequate reason for delaring war, but her want of equity could be no authority for this country to be equally unjust. Upon the whole, he was fully convinced that the claim of the American loyalists was well established, and insisted that the motion ought to be acceded to, unless the House was willing to prove itself bankrupt both of honour and resources.

Mr. Wilberforce followed much the same train of argument, and quoted the authority of Vattel to prove, that the government was answerable to individuals for losses occasioned by declarations of war under circumstances like the present case. He combated the arguments of Mr. Vansittart, who, in his opinion, had been imposed upon, for the chancellor of the exchequer would ever be foremost to concede what was actually due, provided it was consistent with his duty to the country. The present was a question of right and not of policy; and if the sum of money demanded was large for the country to pay, it was large for the individuals to be deprived of. He referred to the article of the treaty, and contended that the British government had not done all that became a great and generous nation. The claim was equitable, and although the petitioners might require much more, their patience had been exhausted, their fortunes been ruined, and they were willing to take

any thing that would be offered. He ridiculed the futile remedy of applying to the American courts when documents were lost, witnesses dead, and hostilities pending.

Lord Castlereagh supported the amendment, because he thought that to grant the claims of the loyalists would set a most dangerous and unwarrantable precedent. It was not merely justice to the living, but justice to posterity that was to be considered. His Lordship entered in detail into the several treaties, arguing that America had not discharged her duty, and that until she had set the example, this country could not be expected to concede. He allowed that if the demand were just (which he denied), the magnitude of the sum could be no reason for refusing the prayer of the petitioners.

The House divided, and the numbers were,

Ayes - - - - -	87
Noes - - - - -	100
Majority - - -	13

LEATHER TAX.

Mr. Benson moved the second reading of his bill for repealing the additional leather tax.

The Chancellor of the Exchequer, in the course of his observations, maintained that the rise in the price of leather and shoes was not the effect of the tax, but proceeded from other causes. With regard to repealing it, he wished the House to consider well the proposition before they consented to diminish the revenue of the country. The revenue of last year had not been so productive as the preceding. The total amount, up to April 5, was 59,900,000*l.* that of 1812, 61,700,000*l.* There was no reason for alarm, however, to the public, as the deficiency arose from causes purely temporary; but the fact might be of use to show how slow they should be in giving way to private or even public solicitation. Other taxes, he admitted, might be laid on, which would be more productive, but at the same time more oppressive to individuals than the one now under consideration. He had himself had it in contemplation last year to lay one on private breweries, five shillings a head for every family that brewed their own malt liquor; but how much more severely would that bear upon the com-

munity than the present? He did not see any thing in the bulk of the evidence that had been laid before them, that constituted a ground for repealing the tax. The distress which the honourable gentleman had so warmly described, and which must have had a great effect upon his feelings, he ascribed to the general state of the trade of this country at present, and not to any particular operation of the tax.

Lord Althorpe shortly replied to the chancellor of the exchequer on the subject of the evidence relating to the state of the leather trade.

Mr. George Phillips, in a neat speech, pointed out various inconveniences resulting from the proposed tax, and the inconsistency of some of the arguments used in its defence. He contended that the circumstance of taxing the article by weight would make it fall most heavily on those who could least support it, namely, the poor and labouring classes.

Lord Castlereagh strenuously urged the House not to relinquish a tax for which no other tax had been proposed to be substituted, and the pressure of which, in the increased price of the article, we should still have to bear, in addition to that of the tax which should be substituted for it. He said that the rich paid their proportion of the tax, even in the article of shoes, from the greater number which they wore; and that the tax, as it applied to the use of leather in saddles, harness, &c. fell exclusively on the more opulent classes.

Lord Milton said, this was the only instance, he believed, which had ever occurred in which a chancellor of the exchequer had persisted in a tax, after the sense of the House of Commons had been declared against it.

Mr. W. Smith, by a reference to papers published from the custom-house, showed that the exportation of hides for foreign manufacture had increased in the last year, in the same exact proportion as the home manufacture had diminished.

Mr. Baring supported the tax, and argued that it was only unpopular among tanners and leather-curriers. The honourable member stated, that he had consulted with some persons connected with the leather trade, who did not wish to have their names mentioned in that House, but who entertained quite a contrary opinion from the petitioners, as to the effect of the tax under consideration upon that trade.

The question being here loudly called for, the House divided, and there appeared

For the bill - - -	120
Against it - - - -	125
Majority - - -	5

The bill for the repeal of the tax was of course lost.

Upon our re-admission to the gallery, we found Mr. Peele on his legs, observing on his motion for the second reading of the Irish school bill, that in consequence of the discussion of the catholic bill, it had been thought expedient to delay the progress of this measure, adding that until the sense of Parliament upon that bill was decisively and unequivocally ascertained, it was not deemed proper to propose any general comprehensive system of national education in Ireland, which system he hoped to be able to bring forward early in the next session. The bill was read a second time, and ordered to be committed on Wednesday.

Sir Godfrey Webster, adverting to a notice which he had given of a motion to secure an easy and prompt distress upon property, forming the qualification of members to sit in that House, and also to prevent bribery and corruption at elections, asked the noble Lord on the treasury bench (Castlereagh), whether it was his intention to oppose that measure *in limine*, or allow the bill to be brought in?

Lord Castlereagh thought the question rather of a novel nature, but he could see no objection to a bill bearing the title of that alluded to by the honourable baronet.

Sir G. Webster observed, then I am to understand that the noble Lord will accede to the bringing in of the bill.

Here the speaker interposed, observing that the House decided upon any proposition according to the reason stated, and not according to the determination of any noble Lord or other member.

The Chancellor of the Exchequer brought in a bill to put sugar imported from the islands of Eustatia, Mariegalante, and St. Martin, on the same footing with that imported from Martinique and Gaudaloupe; also the tobacco excise bill. These bills were read a first, and ordered to be read a second time to-morrow.

Adjourned.

HOUSE OF LORDS.

FRIDAY, MAY 21.

In the case of M'Adam *v.* M'Adam, the judgment of the court below was affirmed; and it may now be considered as finally established, that by the law of Scotland, as it at present stands, a mere verbal declaration of marriage by the parties themselves, deliberately made in the presence of witnesses, constitutes a valid marriage, provable by the verbal testimony of the witnesses, without any writing, or any further ceremony.

The royal assent was given by commission to the debentures bill, marine officers' wine bill, merchantmen mates' board bill, brass exportation bill, Bermuda trade bill, Irish militia bill, Irish butter bill, Irish officers' widows' pension bill, Irish sugar spirits distillation bill, Edinburgh goal bill, Edinburgh surgeons bill, and Cork butter bill, with a great number of private bills, 74 in all. Commissioners, the lord chancellor, Marquis of Winchester, and Earl Cholmondeley.

CURATES' BILL.

Lord Harrowby moved the order of the day for the third reading of the curates' bill.

The Bishop of London said, that his objections to the bill were by no means removed. He was convinced, from experience, that instead of doing good, it would do a great deal of mischief: he therefore moved, as an amendment, that it be read a third time this day six months.

The Lord Chancellor had likewise still very serious objections to this bill, which would operate as an excessive hardship on many of the inferior clergy: it also materially interfered with the rights of the patrons. He doubted of the efficacy or expediency of frequent discussions and legislative measures on this subject.

Lord Redesdale expressed his decided approbation of the bill, which the existing state of the church loudly called for. It had unquestionably been the intention of the founders of the church, that the incumbent should reside and perform the duties of the living; and the public interest required that the spirit of this regulation should be carried into exe-

cution, as far as the present situation of the church would admit. The principle of the bill was to provide, if possible, for the residence of either an incumbent or curate on every living. The advantage of this must be great, and it was one to which the nation was entitled. He did not think the bill liable to the objection of the last speaker, at least not so much as to afford any ground for obstructing its progress. The interests of the community must be attended to, in preference to those of any individuals, or particular classes of men. Discussion and publicity, he was convinced, would do much good instead of harm; and the attention excited by the discussion on the present bill would lead to good consequences, even if it should not pass.

The Bishop of Worcester thought the bill still very objectionable.

The Earl of Liverpool supported it on the same grounds hearty as those stated by Lord Redesdale. He agreed with him as to the benefits that must be derived from publicity and discussion.

Lord Radnor said, that one object of the bill had been stated to be the discouragement of sectaries. He did not think it had that tendency; and it would be found, on the division, that the friends of sectaries would vote for it.

Lord Grosvenor opposed it, among other grounds, because it cast a slur upon the character of the established clergy.

Lord Grenville was convinced it had no such tendency; and supported it, as equally beneficial to the clergy and the community.

Lord Kenyon stated, that although he had formerly supported the bill, he now felt it his duty to oppose it, in consequence of the disapprobation of the right reverend bishops.

Lord Ellenborough thought the residence of the clergy was most desirable, but did not think this bill the proper means of enforcing it. The non-residence of the clergy he attributed to the want of houses, the poverty of the benefices, and pluralities. These evils would be increased by the bill, which he considered a bill of confiscation and forfeiture of the smaller livings. Although he was confident it was not the object of the noble Lord who originated the bill, yet he had no doubt but it was the object of several to reduce the smaller livings, so as to render them of little value to their patrons; in order that they might be purchased by a fund, which he knew was busily employed in purchasing livings, in order to fill them with persons most

injurious to the church of England; and, he would say, to sound Christianity. He thought the moral habits of mankind were in a state of improvement, caused by the experience that mankind had had of the atrocities committed in consequence of the French revolution, and of the crimes perpetrated by the monster who was now on the banks of the Elbe; and it was impossible that those who administered the gospel should not have participated in that improvement.

Lord Harrowby had hoped that the words introduced, in consonance to the wishes of the noble Lord (Grenville) would have obviated all difference of opinion. He stated, that the poverty of the church was not the cause of non-residence, nor of pluralities, for they abounded most in the richest benefices. It was agreed on all hands, that non-residence was a great evil; there were many parishes where all they knew of the person who received the endowments was, that he received them. Curates discharging the duties of four parishes, and galloping about from church to church, was what brought the church into contempt.

The House then divided.

For the third reading - - - -	37
Against it - - - - -	22
Majority in favour of the bill -	15

Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 21.

Sir J. Nicholl, on the part of his right honourable friend (Mr. Ryder), who was absent from indisposition, moved to discharge the order for calling over defaulters this day; but begged that it might be distinctly understood, that the call would be enforced on Monday.

Colonel Palmer moved that the resolution of 1808, relative to the percentage due to Mr. Palmer, and the accounts of the same, should be referred to a committee of the whole House. The House then went into a committee, after which leave was given to bring in a bill to allow Mr. Palmer his percentage out of the receipts of the post-office.

Mr. Kenrick moved, that the insolvent debtors' bill be recommitted.

Mr. Serjeant Onslow opposed the bill, chiefly on the ground that it armed the magistrates with more despotic power than was given to any judicature in the country. One clause, in particular, inflicted the punishment of death for the concealment of goods: surely this alone was sufficient to call the attention of the House to this measure, which proposed such an alteration in the law of the land.

Mr. Kenrick was glad that the attention of the House had been called to the bill; he allowed that it was a material alteration of the law, and as such deserved the strictest deliberation from Parliament. The clause relative to the penalty of death was in analogy to the bankrupt laws.

Sir C. Monk said a few words in favour of the clause.

Mr. Kenrick then moved that the bill should be recommitted this day se'ennight.

Sir S. Romilly had no objection to a short delay for the purpose of further consideration, if such delay should not operate to the loss of the bill. The unhappy persons whose feelings were in suspence, in expectation of the passing of this measure, ought not to be afflicted by a long delay. Those gentlemen who considered the present as a mere temporary measure, had not paid it the attention which it deserved, coming as it did from some of the first legal characters in the country, the present chancellor, the lord chief justice of the King's bench, and the late chancellor for Ireland. The temporary acts which were passed from year to year proceeded on a principle of gross injustice to the creditor, and he had never consented to them except as measures of necessity. This bill was framed after the maturest deliberation, and was founded on a just principle, well known to foreign states—the *cessio bonorum*—that a man might be allowed to give up his goods and be at liberty: for it was conceived, that an insolvent person might still, by his industry, be of use to the community; and that he should not be condemned to imprisonment for life, a penalty unknown to other countries. He allowed that the bill was not free from defects, but the most objectionable clause had been introduced in that House and in the committee, without any previous notice, as if to enact a new capital felony was a matter of course. To repeal an obsolete fatal punishment

was opposed and fought against by every possible means: but to add a new death to the statute book was of all things the most easy. This clause was said to be analogous to the bankrupt statutes: on that subject he could say that no where, so much as with respect to those statutes, was it seen that excess of severity produced impunity. Indeed, an honourable friend (a commissioner of bankrupts) had informed him, that lately the assignees of an estate had refused to prosecute for a gross fraud, because the punishment was death.

The bill was then ordered to be recommitted this day se'ennight.

ADMIRALTY REGISTRAR'S BILL.

On the motion of Mr. Martin, the report of the registrar's bill was received, the amendments agreed to, and a clause was introduced by Sir W. Scott to ensure 10,000*l.* in the hands of the registrar.

Lord Castlereagh said, he thought it would be a violent stretch of the power of Parliament to exact this supposed justice to the suitors of the court, at the expense of the rights appertaining to the vested interests of Lord Arden, in his office of registrar, especially where the security was so ample, and the character of the officer was so truly excellent, and where the balance could not be said to be above 20,000*l.* He should therefore propose a new clause, viz.—That no provision in the bill should attach on the interests of the present registrar.

Lord Milton said, if this clause was to be accepted, he thought it would be better not to proceed farther with the bill. He thought the public very much indebted to his honourable and learned friend, for having introduced this bill, which was unquestionably much wanted. He would put an extreme case, which, however, might happen. Suppose the registrar should become a bankrupt, the suitors would certainly lose all the money in his hands. He must, therefore, object to the clause, as it would render the bill wholly nugatory.

Mr. Abercromby said, that in his opinion the registrar made use of the suitors' money for his own benefit, contrary to law. With regard to the vested rights, in this instance, they were these:—the grant of the office was, that he should receive the suitors' money, and retain it in his hands till he was called upon to pay it. The whole question, therefore,

was, whether he should be allowed to make use of the suitors' money contrary to law? He would oppose the clause, because if it was adopted by the House, it would not only defeat the intention of the bill during the life of Lord Arden, but introduce a precedent for the continuance of this abuse in future possessors of the office. He would, therefore, vote against the bill itself, rather than sanction such an illegal use of the suitors' money. He was as anxious as the noble Lord could be for protecting vested interests, but would never sanction a bill which went to perpetuate vested abuses, which the present clause would do, by giving a sanction to this unwarrantable use of the suitors' money, by the person holding the office of registrar.

Sir S. Romilly expressed his surprise that on a question of such immense importance, none of the crown lawyers had given their opinion, whether these sums of money belonging to the suitors of the court had or had not been legally used. He did not believe any lawyer, who had a regard for his character as a professional man, would declare that such use of the suitors' money by the registrar was legal. The House was, therefore, left in a shameful state of dubiosity, to determine so weighty a question, merely on their own private and individual judgment. For his own part he had no hesitation to declare, that in his opinion this use of the suitors' money was altogether illegal; and if this clause should be allowed to pass, he would consider it a point of duty to vote against the bill, and would positively divide the House upon it; because this bill, with this clause, would directly sanction the very abuse which its end and aim was to do away. In the case of Lord Melville, the use of the public money for his own private use was deemed illegal by the universal opinion of the House, and the only question of doubt was, whether a civil information could be filed against him by the attorney-general? One of the articles of impeachment against Lord Macclesfield, also, was making use of the public money for his own private advantage: it was a distinct article of impeachment against him, that he had countenanced masters in chancery in using the suitors' money for their own private interest. After that transaction a law passed, to appoint the office of accountant-general to take the money out of the hands of the masters in chancery. He saw no reason why the House should be less attentive to the interests of the public now, than it was at that period. When

this matter was first mentioned to the House, his right honourable and lamented friend, now no more, (Mr. Perceval), declared with great warmth that Lord Arden had never used the suitors' money, which very warmth was a strong proof that he deemed it to be illegal; but he was afterwards, from his inherent candour and justice, obliged to allow that he had been mistaken in the fact, and that the money of the suitors of the said court had been so used. Many of the suitors did not choose to take their money out of the court, because, from the fluctuation of the funds, they were fearful of trusting to their own judgment, and in the court they believed it to be safe. Should it then be said, that if they did not choose to adventure their money, on account of the fluctuation of the funds, that the registrar of the admiralty should, therefore, venture it for them, and make interest of that which they supposed safely lodged in the court. He thought the using this money by the registrar wholly illegal, and as such would vote against the clause.

Mr. Stephen thought, that when a clause was proposed for the security of vested rights, it was incumbent on those who opposed it, to have shown that the use of this money was illegal. The registrar of the admiralty had always been deemed the banker of the court, and had, as such, a right to use the money in his hands as he thought fit. The suitors had a right unquestionably to call for their money whenever they pleased; and if they were not paid on demand, they would have right to complain. If they did not call for their money, it was their own neglect; and if the officer of the court did use it, rather than suffer it to lay in a state of inaction, and of no avail to any one, he thought his honourable and learned friend would not say that such use of the money was illegal. As to Lord Melville, the case did not apply: he had used the public money directly in the face of an act of Parliament, of which he was himself the author, and which declared peremptorily, that he should pay the money received by him into the Bank of England; and yet on an impeachment for that very act, he was acquitted. The law made him responsible for the money, and therefore he had legally a right to use it. As to Lord Macclesfield, the case of the masters in chancery might have been lugged into the impeachment; but it was on the charge of selling the office of masters in chancery that he was actually convicted. He looked on the vested interest in offices to be as sacred as those of freeholds; and in-

stated that no case had been made out against Lord Arden, and it could be proved that any sum of money had not been paid the moment it was demanded.

The House divided:

For the clause, 80
Against it, 14
Majority 66

ECCLESIASTICAL COURTS.

The House went into the committee on the ecclesiastical courts bill, in which Sir W. Scott said, that his object had been to diminish the power of the inferior jurisdictions, upon the best general principles applicable to the subject; but he had found many local and peculiar difficulties. He proposed some amendments in consequence.

Sir S. Romilly was surprised that an important part of the bill was thus to be lost. The frequency of excommunication was one point complained of; but there were also abuses of the inferior courts. Their jurisdiction was to be removed to superior courts, such as the consistorial courts of the bishops. Was it intended also to give up these points in the same way, as they affected Ireland? He could conceive no reason why the spiritual courts should have their present power in cases of defamation. It was a matter quite anomalous, and great evils arose from it.

Sir W. Scott made some observations on the inferior courts in certain dioceses, such as York, Chester, and, as he understood him, considered that an alteration would create a monstrous expense to parties. If the thing was beginning, he would not establish such courts; but it was quite a different case when they had existed for centuries. He had weighed the circumstances deliberately in his own mind, and he felt the difficulty of reverting to a principle in itself desirable. Over-ruling necessity prevented this.

Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 24.

The Liverpool water bill, the Phœnix Assurance Company bill, some local and private bills, were brought up

from the Commons by Mr. Blackburn, Sir James Shaw, Sir James Graham, Lord Newark, and other members, and read a first time.

Petitions for facilitating the introduction of Christian knowledge into India from Liverpool, Manchester, Birmingham, Newcastle upon Tyne.

The American prize bill was read a third time and passed.

Adjourned.

HOUSE OF COMMONS.

MONDAY, MAY 24.

The call of the House was enforced.

Mr. Creevey rose and said, that on consulting the speaker and the precedents in the journals, he had found that *the* proper mode of proceeding in the case to which he had called the attention of the House, was not by presenting a petition, but by making a statement of the case in the House: as the statement would necessarily be of considerable length, he should not at that time interfere with the business before the House, but bring it forward to-morrow, or some other day.

CATHOLIC CLAIMS.

The order of the day for the further consideration of the report of the catholic relief bill having been read, the bill, on the motion of Mr. Grattan, was ordered to be recommitted, and the speaker having left the chair, Mr. Abercrombie was called to the chair of the committee.

The Speaker rose and said, that with the views he had taken on the subject of the bill before the committee, it was quite impossible that he should give his consent to it: and he had therefore taken the first opportunity of stating the grounds on which he thought that the bill would defeat the ostensible objects of those who had brought it forward, and by what reasons he was influenced in being adverse to the admission of Roman catholics to political power in a protestant state. The former proceedings of the House on this question had been founded on the soundest maxims of political wisdom. The right honourable gentleman who had

proposed the resolutions which had been adopted in a former Parliament (Mr. Canning), had stated in his speech that his endeavours were influenced by the wish of producing some conciliatory arrangement; and if the propositions, of which his resolution might be productive, were not accordant to the wishes of both the parties concerned, he should not desire that it should pass into the law. What prospect was there now of conciliation and satisfaction? (*hear, hear!*) What said the catholics of Ireland, or the catholic board, the accredited organ of their wishes? Had they approved of this bill? No: and those individuals who were distinguished as leaders in that body, had loudly exclaimed against it. The Roman catholic clergy—were they satisfied? Far from it: Dr. Troy, the titular archbishop of Dublin, had declared that the restrictions imposed by the bill were worse than the old *veto;* and the bishop of the Midland District of this kingdom had said, that the bill was such, that rather than submit to it, all good catholics would lay down their lives on the scaffold. The protestants, the majority of the subjects of these realms, could not behold with satisfaction a measure by which the government, and even the crown of Ireland, was placed within the reach of the Roman catholics; and by which the Sovereign of these realms might be surrounded by Roman catholic officers of state. This, it must be confessed, was an inauspicious commencement; and instead of future concord, they had only the prospect of new scenes of collision and conflicts. As to the bill, together with the clauses which had been incorporated with it, it would be proper to consider it on those principles of policy on which the foundation of our constitution rests. It was now acknowledged that it was on the ground of civil expediency, and not of abstract right, that government existed, and that on this ground only was to be justified any controul which was exercised over the free agency of mankind. On this ground it had been determined that power should be vested in those alone who professed the religion of the state: but this principle was not to be carried beyond due bounds, and the measure of the danger was to be the measure of the exclusion. On this principle the constitution was established at the revolution, by which the power of the state was vested in those who professed its religion, and, at the same time, complete toleration was granted to all who held different tenets. On this principle the crown was subject to a religious test, best suited to

our constitutional principles; and on the same grounds, had protestant dissenters been, for a century and a half, excluded from the offices of the state, because they were supposed to be but imperfectly attached to its government; and thus had catholics been excluded from those offices, as well as from Parliament, because their principles were supposed to have been inconsistent with their allegiance. The laws pressing on the dissenters had from time to time been alleviated, but not repealed; and Mr. Windham, in the memorable debates of 1796, had said, that in self-defence we ought not to repeal them. These laws had been relaxed, on the ground of the tried loyalty of the protestant dissenters; but the principles imputed, whether justly or no, to the Roman catholics, were inconsistent with such relaxation with respect to this body. In this principle he concurred, and he was supported by Mr. Burke, in his tract on the Popery Laws of Ireland, who had distinctly given it as his opinion, that the exclusion of the catholics from Parliament was a necessary and politic provision. Whatever he (the speaker) thought of the admission of the catholics to the army and navy, it was essentially different between making them instruments, and taking them as guides. He did not think that the maxims of our ancestors were safely to be departed from, but he was as willing as any man to allow a wide field for honourable exertion. These were the principles on which he thought the bill should be considered. Of the bill, the object was to admit the catholics into Parliament, and into the great offices, civil, military, and judicial. And finally, as to Parliament, if that were granted, all other ulterior objects must follow. Taking the catholics as individuals, or as a body, what would be the consequences? As individuals, they might, from their talents, become leaders of parties, and thence the servants of the crown. Here, then, would be a most formidable junction of means and motives; and if their ambition were checked in the ordinary course, to what violent measures would they not have inducements and the power to resort? As a body, the catholics in that House would be a formidable mass of strength, which, aided by the body of discontent which must exist in every state, would form an overwhelming force. (*hear!*) He did not say this with any injurious reference to any individual, but he thought that the bill had a tendency to produce such effects; and one of the reasons for objecting

to the bill was, that he feared that he should not have the pleasure of seeing in that House the right hon. gentleman opposite to him, (Mr. Grattan), and other members for Ireland. [After speaking shortly concerning the admission of catholics to the privy council, which, from the noise arising from the crowded state of the gallery, we were unable to hear, the right honourable gentleman proceeded.] As to judicial offices, it was not to be supposed that in civil cases, as to the rights of the protestant church, a catholic judge could impartially administer the law, nor (setting aside the graver cases of criminal law), was it to be thought that even in cases between individual and individual, he could discharge his functions to the satisfaction of the country. To the admission of catholics to all military offices short of those which admitted them to civil power, he could have no objection. Their admission to corporations (he thought) should stand on the footing of protestant nonconformists, that is, that they should be dispensed from taking the sacramental tests, and protected by an annual bill of indemnity. On the same footing they should also have been placed as to admission to the universities, subject to the particular statutes of these corporations. His objections to the bill were not on the ground of what it contained alone, but on the ground of what it omitted. No restraints were imposed on the existing religious houses—no security against their increase. There were at present in this country, Benedictines, Dominicans, and specimens of almost all the monastic orders. The fund at Stoneyhurst was enough (he should have thought) to have awakened the jealousy of the House. By this institution young men were sent for education to Sicily—a suspicious education for the youth who were to officiate through Ireland. There should have been also some restraint on the spiritual excommunication, of which the instances in 1791 were so deeply and feelingly lamented by the English catholics. Such a practice was derogatory to sovereign rights, and should not have been suffered to pass unnoticed. Why should there not have been included in this bill a protection of Roman catholic soldiers in their peculiar worship? (*hear!*) Why not include an exemption from the necessity of solemnizing their marriages in protestant churches? The places of worship also of this sect should have been put on the same footing of protection in Ireland as in England. The omission of these points showed how little regard the framers of the bill had paid to reli-

gious toleration. Their sole object was political ascendancy. (*hear, hear!*) The dangers he apprehended from this bill were not visionary. On such a subject they must look to the future; for when the flood began to rush through, it would be too late to repair the breach. Some restrictions should have been imposed on the nomination of the clergy, who must exercise such an influence on the minds of the Roman catholics of these kingdoms. He should not enter into the doctrinal code of the catholics, which would be more ably discussed by an honourable baronet (Sir J. C. Hippisley). Without going into old records, however, he might observe, that the present pontiff had allowed *passive* oaths of allegiance towards government, but disallowed active ones, and condemned *all* oaths contrary to the interests of the church as null and void: and a catholic work published within these 48 hours advanced the same doctrine. The mode of nomination of the bishops by chapter was at once obnoxious to the catholics and to the crown, and the security afforded to the crown by this bill would be obnoxious to the catholics. One thing which might and should have been forbidden, was the appointment of regular clergy to bishopricks; for these men, besides their allegiance to the crown and the pope, owed obedience to the generals of their order. The general of the Jesuits was now in Russia—he might hereafter be in France:—the general of the Dominicans had been in Spain—he was now at Rome; and though Dr. Troy was a Dominican, he (the speaker) was not very desirous of the introduction of more of the same order. Another omission was as to the vicars apostolic. Four of these persons governed half a million of catholics in this kingdom. These vicars were bound to obey the sovereign pontiff, and a great part of the catholics thought themselves obliged to obey them. In any arrangement which was made, this tyranny should have been put an end to. The bill would effect an improvement as to the intercourse with Rome (we understood the right honourable gentleman to say), but means were still left for inquiry, and the intercourse, though the channel were changed, would still be clandestine. The House should not over-rate these guards; they should consider whether they formed an equivalent for which they should barter their protestant constitution. (*hear, hear!*) To the great majority of protestants, the papal authority had the same influence as ever, and all the catholic prelates bowed to it. This authority might be

exercised, too, by mere personal agency, without any commission. It was this feature which made Clarendon and Somers, as statesmen, Locke, as a political philosopher, and King William, as a sovereign prince, declare that such a religion was inconsistent with the British constitution; and from the instance which had recently occurred in Spain, they might see that such a religion would not be safe as a guest, much less so as a co-estate with our civil government. These reasons would govern his vote on the bill, which he had thought it better to state thus generally at that time, to avoid troubling the committee at a future stage. Those however who intended to oppose the bill, should make their stand on the admission of the catholics into the two Houses of Parliament. (*hear, hear!*) He should, therefore, when the chairman came to that clause, move that the clause be left out.

Mr. Whitbread said, that great as was the weight of the authority of the right honourable gentleman who had preceded him, and the rarity of the occasions in which he could display his talents, which added, if there were any need of it, to that authority, he regretted, and the House must regret, that they were deprived of the talents of so able a debater; and he was more especially inclined to regret at present that the right honourable gentleman had been absent from the debates for the last six years, for in those discussions which led to such political animosities, on a motion of a noble Lord then in office, if the tongue of the right honourable gentleman could have been loosened, when all the variety of metaphor was brought against that measure, it would have had his able support. The right honourable gentleman's objection to this bill was because in some instances it went beyond, and in some cases it fell short of his wishes; and yet he took that opportunity of making such an opposition to the bill (which would have been fair enough if all the clauses had been gone through) as would go to the extinction of it altogether. At the same time the right honourable gentleman told them that he was willing to admit the catholics to the honours of the army and the law, excepting judicial situations; he told them of the dangers from vicars apostolic, from Dominicans, and others; and yet he would wish to put an end to the bill before them, in which event, most probably, all opportunity for granting the boons he consented to, and for extirpating the nuisances which he detested, would for many years be lost. The

right honourable gentleman had said that the speech of the right honourable member for Liverpool (Mr. Canning) was founded in political wisdom, and then availed himself of some report which he (Mr. Whitbread) had not seen, to prove that the object of the member of Liverpool was not answered—because that had not happened which no one expected—that those were not content whose business it was never to be contented, (*hear, hear!*); and a person had manifested, in his publication of that day, that he was sorry for the success of the catholic cause, because that success destroyed his consequence. (*hear, hear!*) As the right honourable gentleman had looked to the proceedings of the catholic board, he should have looked a little further; for there had that day arrived a most consolatory resolution of a body of catholics in Ireland, which he should take the liberty of reading to the committee. Although this bill were not exactly such as he (Mr. Whitbread) should have framed himself, yet framed as it had been by the best abilities, and by those who knew how to avoid to touch on the scruples of the catholics, it should have his most hearty concurrence. Mr. Whitbread then read the following resolutions:—

"At a numerous meeting of the Roman catholic board for the county and the city of Cork, held at the Bush Tavern, on Thursday the 20th of May, 1813;

DANIEL CALLAGHAN, Jun. Esq. in the Chair;

"The following resolutions, proposed by James Roche, Esq. and seconded by Robert Burke, Esq. were unanimously agreed to:

"Resolved, That the confidence reposed in the justice and wisdom of the legislature, by our resolution of the 23d of March last, has been amply justified. Our cause has met the solemn consideration it deserved, and the most signal advantages have been the result.

"Resolved, That with the spirit and object of the bill now in successful course through Parliament, we are happy to declare our entire satisfaction, and to express our conviction that when in its further progress it shall have received the technical amendments necessary to its perfection, it will be hailed by the catholics as the great and long wished-for charter of their emancipation, and by the Empire at large, as the firmest bulwark of the state.

"Resolved, That from a legislature so manifestedly actuated by liberal principles and enlightened views, we cannot for a moment apprehend the impositions of any restrictions inconsistent with its acknowledged purpose of conciliation.

"Resolved, That Mr. Grattan continues entitled to our unbounded confidence:—imperishable as the monument raised by his mighty labours to his country's happiness and to his own fame, will be the gratitude of the catholic body to the great advocate of its cause.

"Resolved, that we offer the tribute of our sincerest thanks to the other distinguished members of the committee, who have so ably co-operated with Mr. Grattan on this memorable occasion.

"DANIEL CALLAGHAN, Jun.
"WILLIAM J. SHEEHY, Sec."

He would ask the right honourable gentleman (the speaker) whether these resolutions had not relieved his mind from the dread arising from mis-statement, or ignorance, or misapprehension, and he should have no longer any apprehensions of losing the right honourable gentleman near him (Mr. Grattan) and the other members who had so conspicuously distinguished themselves on the present question.—The right honourable gentleman was not against the admission of catholics to the army or navy, and how ludicrous must appear to him the terrors of those who apprehended evils from such concessions, as great as those which, in the right honourable gentleman's opinion, would result from this bill? As such must be the opinion of the right hon. gentleman, he would pardon him (Mr. Whitbread) for supposing his fears to be equally visionary. The right honourable gentleman would have the catholics excluded from the bench, although the most galling circumstance which attended the present condition of the catholics was, that no reward for their labours at the bar was held out. They were to be excluded too, because (as the right honourable gentleman said) in civil cases between individual and individual, they could not be expected to be just (*hear, hear*!); "to say nothing of criminal cases." He hoped some explanation would be offered of these expressions, which cast such an aspersion on the catholics. Had not the right honourable gentleman seen in the publications of the day, that the principal grievance complained of by the catholics was protestant ascendancy; that whenever a catholic came before a tribunal, he was prejudged as soon as his religion was known. The protestant asserted there was no foundation for this; but the effect of the right honourable gentleman's speech was to show the contrary. The right honourable gentleman had fallen into that common-place and hustings error, of which they had heard so much at the elections some years ago, that because the crown might make a catholic an officer of state, all officers of state would be catholics—that when the doors of Parliament were opened to catholics, not a protestant would be returned. There was to be such a combination in favour

of catholics too, that even the wearer of the crown in Ireland was to be a catholic. Whence, however, were these combinations to flow. It was not long since petitions on the subject of the catholic claims poured into the House in such shoals, that it was found impossible to bestow on them the usual attention. To these petitions (it was then contended) were affixed the names of the freeholders of almost all the counties of Ireland, against the claims of the catholics; and how was it thought, that in spite of their own reason, when all the guards which were boasted of as their security were taken away, these men should say to the catholics, "It is not proper that you should go into Parliament; therefore we will send you there." (*hear, hear!*) The speaker had referred to the authorities of Clarendon and Somers, forgetting the great difference between a catholic of that and of the present day; the distinction was as great as between light and darkness; not in the tenets of religion, but in the feelings they entertained for the protestants. The political animosity arising from circumstances had, with those circumstances, been extinguished: there was no longer a Pretender to be supported, and a protestant sovereign was now the undisputed occupant of the throne: from the wisdom, abilities, and statesman-like views of the authorities quoted, it was fair to presume, that had they lived to witness the progress of this bill, their opinions would have been diametrically opposed to the sentiments they formerly promulgated. Notwithstanding his approbation of parts of this measure, and his declaration that in some respects it did not accomplish all he desired, the speaker had not expressed any willingness, should he succeed in his amendment, to assist in the formation of a new structure out of the ruins of the old pile, with additions and improvements in his own taste. Although he lamented the situation of the Irish soldier, labouring under his arms without a hope of promotion, he had suggested for him no relief. No doubt this omission was owing to the technicalities of his situation that did not allow him to interfere; but if the sentiments he had to-night delivered were not the ephemeral productions of the instant, how must he have pitied the long and vain labours of those who had attempted on former occasions to administer a temporary and partial relief to the catholics? with what pain must he have occupied the chair, to which he was by forms confined, and with what difficulty must he

have restrained those bursts of eloquent indignation at the defeat of a measure, which it appeared, from his speech of to-night, he deemed of vital importance? At this moment, however, he appeared ready to do nothing: he imparted no plan, not even in a whisper, to his nearest friends; not even to the two mighty pillars of the church (Messrs. Ryder and Yorke), seated together; to those massive props, who, anxious for employment, volunteered to support that which did not need their aid; to those two giants of intolerance, the Gog and Magog of the day, who boasted themselves equal to all antagonists; to those Samsons in debate, who were to defeat millions of enemies, with the same weapon that was employed by their prototype against the embattled Philistines. (*hear, hear! and laughter.*) To them, even to them, the right honourable gentleman had been profoundly silent on the subject of concession, while he had endeavoured to alarm the House by imaginary horrors at the revival of monastic institutions. Where were these institutions, these gloomy convents and terrific inquisitions? To Mr. Whitbread they appeared dangers in disguise, through which alone the piercing eyes of the speaker, and of an honourable baronet (Sir J. C. Hippisley), alone could penetrate. That honourable baronet to-night was to give much information about the oath: perhaps he would indulge the House with some insight into the dreadful Jesuitical establishments to which he had already referred in a speech of which it was quite unnecessary to remind him. (*Laughter, and continued cries of hear, hear! from Sir J. C. Hippisley.*) He did not mean to give umbrage to the honourable baronet, but certain it was, that after long pressing forward catholic emancipation, he now wished the House to retrace its steps: after, with unceasing labour, having taught members to say their prayers forwards, he now repented the accomplishment of his task, and desired them to repeat them backwards: no wonder that by this cabalistical proceeding, terrific dæmons were raised to frighten the timid gentlemen who occupied the opposite benches. To that speech of the honourable baronet, the length of which was so well remembered (*hear, hear!*), the member for Liverpool had fairly replied, that government had no intelligence of these formidable monastic institutions. Did the honourable baronet mean to suppress them, and to drive the apostolic vicars out of the country by legislative enactment? If such

an attempt were made, Mr. Whitbread would venture to assert, that the effect would be to augment the power of the pope more, and to make converts to catholicism in greater numbers than had been accomplished by the proceedings of Parliament for a century. (*hear, hear!*) The dearth of argument on the other side was proved by nothing more than by the pains that were taken to revive and reprint the opinions urged many years ago during the existence of the Irish Parliament, when it was said, as at present, that one concession would lead to another, that the first step brought us to the brink of a precipice, down which we must inevitably plunge. The speaker had gone so far as to maintain, that from Parliament the catholics would step into place and power, and would not be satisfied until they had attained possession even of the crown of Ireland. [The speaker said across the table, "of the sovereign authority."] It might be so; but the word he (Mr. W.) recollected was the crown, purposely used for the sake of its ambiguity. He did not mean to criticise with too much severity the terms employed, but it was in this case more necessary on account of the weight attached to all that fell from so high an authority. The speaker of the House of Commons by many people was considered infallible; and recollecting the unfair use always made of particular expressions out of doors, to what advantage might not the phrase employed to-night be turned by the designing, who would immediately put a dead stop to all reasoning among the lower orders, by observing, "the speaker of the House of Commons says, that if this bill is passed, the crown itself may become catholic!" He (Mr. W.) fervently hoped, that the amendment moved by the speaker would be negatived, for without the original clause the bill was worthless. (*hear, hear!*) One main advantage of introducing catholics to Parliament was to give vent to the catholic mind; to bring catholics and protestants together, that they might know each other better, and not be in dread of imaginary terrors supposed to surround them. The principle was on all hands admitted, and the specific measure was not resisted by the grave authority to-night heard until its latter stage: the battery of argument was now opened—the mine of invective was sprung; but the promoters of the bill would retire with confidence to their citadel, and defy the power of their enemies. The people of England were ripe for the measure which the people of Ireland anxiously expected,

and to it he should give his firm support, at the same time being always ready to receive any assistance or advice which the speaker had hitherto withheld, but would now, he hoped, willingly communicate.

Sir John Nicholl said, this important measure has now assumed a new shape, and presents itself to the consideration of the committee under new circumstances. The various supporters of its principle, who before seemed to entertain considerable discordance of opinion upon the detail, are understood to have met and reconciled their differences, and now to offer the bill in the shape in which they are willing to concur in pressing it forward for adoption. These gentlemen, it is quite apparent, will not consent to any material alteration in the detail; for they hold (quite consistently with themselves) that if any considerable change were to be made, either deducting from the concessions to be granted to the catholics, or adding to the securities to be required from them, the bill would fail in its great object; it would not be satisfactory or conciliatory to the catholic body. There are, on the other hand, a considerable body of members, upwards of 200, who have already voted against the principle of the bill; and therefore to those members no alteration can render the measure satisfactory; the utmost that can be effected in the committee, is to render the measure less objectionable and mischievous. There is a third class of members, and probably not inconsiderable in number, who have not made up their opinions upon the subject; who hitherto have not resisted, and some have even supported the progress of the measure, from a desire to see its precise character and extent before they come to any final decision. It is this third class of members whose attention is particularly solicited, and who are requested now to pause, and consider what will be the effect of the bill, if carried in its present form; hoping that by taking this view of the subject, they will feel strongly disposed to insist upon important alterations in the committee; that they will more especially join in excluding this first clause, which (as has been truly stated by the right honourable and highly distinguished member who opened the debate), by admitting catholics to seats in Parliament, in effect gives them every thing;—and in the further hope, that if those important changes in the bill are not obtained in the committee, the class of members referred to will ultimately join, upon the report, in rejecting the measure altogether.

Taking this view of the subject, it is proper to remind the committee, that at present the constitution, in all its parts, is fundamentally, essentially, and exclusively protestant. Not only are the church and the throne protestant, but the counsellors and advisers of the crown must be protestant—the officers of state, the responsible conductors of the executive government, must be protestant—the two Houses of Parliament, the great council of the nation, must be protestant—the judicial offices must be filled by protestants—the magistracy must be protestant—the high military officers must be protestant—in short, there is no branch or department, not only of the ecclesiastical establishments, but of the civil government of the country, that is *not* exclusively protestant. On the other hand, complete toleration is allowed the catholic, in the exercise of his religion, in the security of his person, in the education of his family, in the enjoyment of his property; but he is excluded from exercising the powers of the state, the supremacy of which he refuses to acknowledge. Such being the constitution, it may not be unworthy of recollection that it has attained this form and character, not by some sudden change, not by some violent measure produced by the excitement of temporary circumstances, but slowly and gradually—proceeding on the safe ground of experience—ameliorating itself cautiously and from time to time, as occasion required—applying remedies to evils, and providing securities against dangers as they arose—and thus making progress in improvement, till it deemed its own securities complete. Even while the whole state was catholic in form, and before the name of protestantism existed, our catholic ancestors, in the spirit of protestantism, found it necessary to resist with firmness the pretensions and encroachments of the see of Rome; in proof of which, reference may be had to various acts of Parliament passed before the reformation. At the reformation, the protestant church of England was by law established; but the laws then enacted were found insufficient for its security, or for the preservation of the tranquillity and liberties of the country. Various acts were passed for further security in the reigns of Elizabeth, James I. and Charles I. Upon the restoration came the corporation act, which required all persons, exercising any offices in that branch of the civil government, to take the oath of supremacy, as a qualification for their admission. About 12 years afterwards the test act, as it is called, was passed,

extending the same principle to all offices, civil and military, and requiring the oath of supremacy to be taken previous to admission. By some it has been erroneously supposed that the test act was directed against protestant dissenters; the fact is, that protestant dissenters supported the passing of that act, for the sake of excluding catholics, though the taking of the sacrament would have the effect of excluding themselves; but that test being only required within 12 months after the admission to office, it in practice has become a dead letter, and does not operate to the exclusion of protestant dissenters—but the very title of the act itself is, "an act for preventing dangers which may happen from popish recusants." Up to this period, and for about five years later, catholics could sit in Parliament, and this is used as an argument that they may safely be again admitted—but the argument operates in the contrary direction: they were excluded, because by experience they were found to be dangerous inmates, the title of the act being, "for the more effectual preserving the King's person and government, by disabling papists from sitting in either House of Parliament." Notwithstanding all these guards and precautions, the bigotry of James II. and his advisers to catholicism, rendered a revolution necessary for the preservation of the civil and religious liberties of the country; and immediately upon that event, the bill of rights passed, which fixed more permanently and extensively the protestant basis on which the constitution was built, again requiring the oaths of supremacy to be taken by all persons holding office, and going on to exclude from the throne itself "papists, and persons marrying papists." About 12 years afterwards came the act of settlement, which seemed to consummate the work, by limiting the crown to the Princess Sophia, and the heirs of her body, being protestants, declaring such limitation to be "for better securing the rights and liberties of the subject." It is evident, therefore, that the giving of an exclusive protestant character to the constitution in all its branches was upon a principle of general policy, growing out of experience and founded on self-defence and security. This principle of general policy was followed up in the subsequent reigns of Anne, of George I, and of George II. several acts having passed requiring the oath of supremacy to be taken as a qualification for those offices, respecting which there was any doubt, whether they were comprehended under former acts. The

same principle was strongly recognised upon the union of England and Scotland, and again upon the union with Ireland, the same oaths being required, and the faith of the nations being solemnly pledged to each other, for the preservation of our protestant establishment as "an essential and fundamental part of the union." Under this constitution, thus gradually formed, excluding catholics not from the church and the throne only, but from all the powers of the state, not in sudden passion, not in angry times, not by one act, but cautiously, step by step, by a succession of acts, and as a fixed principle of policy—under this protestant constitution, the nation for above a century has been secure and prosperous and happy, its tranquillity only disturbed by two attempts to restore a catholic monarch to the throne; and by the more recent insurrections in Ireland, which, though not catholic in their origin, made use of catholicism as a stalking-horse and as an instrument to forward the views of those agitators and traitors who wished for a separation from Great Britain. This is the existing constitution. It now becomes worth considering what will be the constitution, if this bill in its present shape passes into a law. It is true that it proposes at present to leave the church and the throne protestant—nay, for their future security, here is a magnificent preamble declaring them to be protestant permanently and inviolably—but the protestant character of all the civil and military departments of the government, which at present surround and defend the church and the throne, is to be removed—the counsellors of the crown—the Houses of Parliament—the judicature—the magistracy—the military—are no longer to retain their exclusive protestant character. This is a fearful change! This is a fundamental alteration in the very essence of our happy constitution, which 20 years ago no man, no set of men, would have been bold and daring enough to have proposed, or even hinted at, for the adoption of Parliament. All these acts which have been referred to, requiring an acknowledgment of the supremacy of the state as a qualification for exercising its powers, these acts (it is a mere artifice to confound these temperate defensive laws, with those disgraceful penal laws which have sometimes passed in times of heat), these acts, which have been justly called the bulwarks, not of our church only (for that is another artifice to narrow the danger), but of our constitution, or as Mr. Justice Blackstone calls them,

the bulwarks of our civil and religious liberties, they are all to be carried off at "one fell swoop,"—by this single bill—not extending concession by degrees, and removing disabilities with the same caution as they were created for security—but at once—and at a time when the attention of the nation is engaged in a struggle for its existence with a most formidable foreign enemy—when the throne itself is not in the exercise of its full powers—and when an administration exists, broken into two parts upon this momentous question, affecting the constitution so vitally—this is the time when this bill is pressed forward upon the legislature for its immediate adoption. The bill proposes to admit into a full share of political power a description of persons, who, however respectable, enlightened, and valuable, many of them are as individuals, however dear to us they all are as fellow-subjects, yet professing a religion, the vital character, the fundamental principle of which is its own infallibility, (not indeed the infallibility of the pope individually, but of its church), which holds all other religions to be heretical and insufficient to salvation, and therefore, which, upon its own principle, must necessarily be hostile to a protestant church and a protestant throne, and must seek ascendancy and enforce exclusion: a religion, the members of which are under the absolute dominion of their priesthood, and that priesthood swearing canonical obedience and paying blind submission to a foreign power. It is in vain to say that this only extends to matters purely spiritual; the fact is notorious, that it extends itself to all matters civil and political: and in such a religion, when the priesthood shall tell their followers that the question lies between their religion and the civil government, it is easy to foresee, and we already know from experience, which influence will prevail. This proposed change in the laws, provided by the wisdom of our ancestors from time to time for the security of the constitution and of the liberties of the people, is not founded on any change in the principles of that religion, the profession of which was the ground of exclusion. Its character and its boast are, that it is immutable;—"Semper eadem" is the motto of its church. It cannot be suggested, that the catholicism of Ireland is less under the dominion of its priesthood, or the priesthood less blindly submissive to the see of Rome, than the catholicism of other countries, or of former times. It cannot be suggested, that the bulk of Irish catholics are more enlightened, and more tolerant, than the catholics of

other countries;—the reverse seems to be the case in these several particulars; and they have by no means shown themselves more tolerant and conciliatory towards their protestant fellow-subjects since these discussions have been going on. The benefits held out as likely to arise from this great experimental innovation are quite visionary; it has been stated, even with much apparent seriousness, that we shall add four millions of population to the effective strength of the Empire!—that religious differences are to be extinguished; and universal harmony and concord to prevail! —nay, that the protestant establishment itself will receive additional stability! The preamble holds forth "an end to all religious jealousies;—"an oblivion of all animosities;"—"a binding together in all times to come!" Nothing can be more delusive and extravagant than these suggestions. In respect to these four millions of catholics, their priests have not been such traitors to their king and country as to prevent their flock from entering into the public service—they have entered it in their full proportion—and this bill will not add the amount of a single regiment to the strength of the army, nor of a single ship's crew to that of the navy. Instead of the concord and harmony promised to us, this bill would be the "beginning of strife," reviving religious struggle, and bringing again into activity the most violent and dangerous passions of the human heart. This perpetual concord and harmony can be really expected by few, except those who either feel no religious preference, or those who are such enthusiasts in universal philanthropy and charity, as to form a very incorrect estimate of the practical characters and passions of mankind. The time is hardly yet arrived when the lion and the lamb will rest in peace together. An "adjustment satisfactory to all classes of his Majesty's subjects," has been held out to the country; but from the petitions on the table from one class, and from the proceedings and resolutions of the other class, as well as from a memorial this very day circulated by a distinguished catholic prelate, one of the vicars apostolic, it is tolerably manifest, that the adjustment proposed by the bill will not be satisfactory to either class. In respect to its being a "final adjustment," "in all times to come"—what a vain hope is this? Will the catholic, or the agitators for them, have nothing further to demand? or because you increase their powers of enforcing their demands, will they cease to make them? Will this fine preamble prevent the

catholics from demanding to pay their own tithes to their own priesthood? Will it prevent the catholic priesthood, who now consider themselves to be the lawful possessors of their sees and benefices, and the protestant bishops and incumbents to be mere intruders and usurpers, who subscribe themselves with their titles of dignity, while they acknowledge the protestant constitutional primate of Ireland by no other name than plain Mr. Stuart; will the preamble or the bill itself restrain this priesthood, from expecting to become the bishops and incumbents, *de facto et de jure*, that is, to become the establishment in Ireland? Will a single passage, buried in the midst of this cumbrous oath, in such manner as hardly to be intelligible in respect to its object, prevent catholics from looking forward to the restitution of forfeited estates (notwithstanding some few of these estates may have got into catholic hands; for arrangements to compensate the few, for the sake of the whole body, will easily be settled) —estates, the titles to which are represented to be carefully preserved and registered in the families of the asserted proprietors? Will not the catholics cling together as a political body, and act together in every other character, diffused as they will be in all the powers of the state, in order to enforce these demands and to abrogate this "final adjustment?" Nay, in case of the succession to the crown itself falling on a catholic, will the recital of the act of settlement, and the declaration in the preamble to this bill, "that the protestant succession to the crown is inviolable," prevent catholics under favourable circumstances from supporting the catholic heir to the crown, and induce them to join in his exclusion, in favour of the next protestant heir? These are vain expectations! It may perhaps be said, the fear of such events is chimerical; if so, why recite those principles in the preamble? Let it be recollected, that at the present moment his Majesty has but one single grand-child upon whom the hopes of the nation rest for the succession to the crown. On whom the right of succession may rest 20 years hence, whether upon a British-born prince or a foreigner, no person can even form a conjecture. Why, then, are these dangers so visionary even in respect to the succession? Who, ten years before the event, foresaw the subversion of the monarchy in the murder of Charles I. Who, ten years before the event, expected the restoration of that monarchy? Who foresaw or expected the glorious revolution which so firmly

fixed the present happy constitution on its protestant basis? Who, ten years before the event, expected the downfall of the ancient French monarchy, and the erection upon its ruins of a most barbarous and savage republic; followed again by the most arbitrary military despotism ever sent as a scourge to visit the world? Human foresight is but of short extent; and is best employed in providing securities against future dangers. It is against the danger of domestic contest for power and ascendancy, that the great difficulty presents itself of providing securities in any degree adequate to those securities so wisely provided by our ancestors in the laws already referred to. Of foreign influence, stirring up rebellion, while the constitution possesses its present guards, there is no great reason for apprehension; but it will be a very different question if those guards shall be removed. The catholics are loyal to the monarchy; they are attached to their country; and would bravely defend both against a foreign enemy: but does it follow from thence, that they would not wish for political ascendancy over protestants? that they would not prefer a catholic throne or a catholic church to those which are protestant? that they would not be constantly at work to gain that ascendancy, and would not have a better chance of success, when they should participate in every branch of the civil government of the country? We are yet told, that the protestant establishment will be rendered more secure! that the powers of the catholics will not be increased! that every thing in effect has been given them already in the elective franchise! for, having given that, you have it not in your power to withhold the remainder! These arguments appear strange; and the last of them, if founded, would go the length of warranting the resumption of the elective franchise; but although the argument is unfounded in its extent, and there exists neither the necessity of granting every thing, nor of resuming what has been already granted, yet it strongly fortifies the expediency of standing firmly where you are, and not increasing the political power of the catholics, until it be manifest that the body of them shall have shaken off the despotic dominion of their priesthood, and the priesthood shall have withdrawn its blind submission to the see of Rome. It seems most strange to maintain, that the power of the catholic would not be increased, and the security of the protestant throne and protestant church, would not be weakened by these concessions. Put the case of a

future sovereign, being secretly disposed to catholicism, or being so illuminated by modern liberality as to have no religious preference, but happening to have a popular catholic minister. Would not that sovereign or that minister (though observing some caution in the execution of the purpose) surround the throne with catholic counsellors? would not catholics be introduced into the great offices of state—into the Houses of Parliament—into the courts of justice—into the magistracy—into the high military commands—and, in that case, with four millions of population, blindly devoted to their priesthood, would there be no danger of a catholic establishment in Ireland, in violation of our solemn faith pledged to the protestants of Ireland at the union? Nay, under such circumstances, more especially if there were a disputed succession, would there be no danger to the rights and liberties of this country—no possible chance of an attempt at catholic ascendancy? The attempt would probably be made, although the prospect of such circumstances arising may not be very near. Its success would be in the hands of Providence. The spirit of our protestant ancestors would probably arise to defeat such an attempt; but the conflict itself would be a great national calamity—a calamity from which we should be most anxious to protect our children, and our children's children, by handing down to them the constitution in its present protestant form and character, and by resisting the innovation and inroad attempted to be made upon it by the present bill.

Mr. Ponsonby said, that with all his deference to the honourable member who opened the debate (the speaker), he could not help observing that he seemed to have mistaken the nature of the resolution under which the committee acted. Their instructions were not to examine into the state of religious houses, nor to ascertain the number of monastic orders, Franciscan, Dominican, or Benedictine, subsisting in this country, but to remove the civil and military disabilities under which the catholics laboured; nor could they consistently with their duty bestow their attention or their time on any inferior object. The object of the bill was to afford substantial relief to the catholics, in those points where they found themselves aggrieved, and to produce general satisfaction on all sides. It was said to be the duty of the friends of the church and state to make their stand on the first clause of the bill, which admitted catholics to seats

in Parliament. In his own opinion it was necessary to persevere in that clause, as the only means of warding off that danger and insecurity from both, which were threatened as the consequences of adopting it. Let the House consider a little how this danger was to arise. Now, according to the right honourable member who spoke last (Sir John Nicholl), it should seem that the catholics would quietly and gently, and by imperceptible degrees, introduce themselves into all the seats in that House, and into all the great offices of the state. A gentle and quiet introduction into all the great offices of the state! Nobody was to know of it—the change was to be silent and imperceptible. Nobody would be able to learn whether a catholic was appointed first lord of the treasury, or first lord of the admiralty, or general in chief, or commander of a squadron; none of these things would be known till all was ripe for explosion, and then it would be quite impossible to resist this accumulation of influence which had grown up from the secret appointment of catholics to place and power, unknown to any one but themselves. He thought an argument of this sort would not have much weight with the House. If such a plan were really in agitation, could it pass undetected? If it were once detected, must it not be instantly defeated? Could the catholic members, for instance, really combine together to turn all the protestants out of the House of Commons? That is, could 50 or 20 members succeed in pesuading 650 persons to concur with them in overturning the constitution and religion of the country? To consider things usefully, it was necessary to consider them practically. How then would the catholics set about their system of parliamentary conversion? Suppose a catholic representative to be sitting by the right honourable gentleman, how would he persuade him to lend him his vote in favour of the re-establishment of popery, and the abolition of our ecclesiastical courts? He would not begin directly by saying, "I have such an object in view, and though I know it to be entirely contrary to your sentiments and interests, I beg you will join me in it." Neither could he set about it indirectly by offering to compromise interests and opinions with the honourable gentleman, and saying, that if he would oblige him in this favourite point, he would take the first opportunity of repaying the obligation by an equal sacrifice on his part. The thing was altogether impossible; the very supposition was ridiculous. How would these catholic members, openly

avowing, or insidiously acting upon such a plan, be received and countenanced in that House? what state would they be in, if this were found to be the use they made of the liberality of a protestant Parliament? It had been asked, who knows upon what head the crown of this kingdom will rest in 20 years? He (Mr. Ponsonby) really could not tell; he did not know who could. It would be difficult even for any one to know who would be dean of the arches 20 years hence. But this he did know, and this he thought was the only rational answer which could be given to the right honourable gentleman's question, that on whatever head the crown might then happen to be placed, the House of Commons and House of Lords would not suffer any King to supersede the lawful authority of these realms. This advantage at least they would gain by having catholic members among them, they would know their views and objects, they would see what they were doing, they must act ostensibly and responsibly, and in the eye of Parliament; and was it to be supposed that with this knowledge of their designs, if they had any, in their commencement and progress, the House of Commons would be so entirely disinterested, as to give up all their own privileges as protestants, to these new and monstrous claims of catholic ascendancy? Those who had given immunities to the catholics, it was to be remembered, could take them away; and, if such a plan as that suggested was once in agitation, there was not a protestant who would not be as forward to recal the concessions as to grant them. But he considered all such apprehensions as idle and imaginary. The real value of the bill, Mr. Ponsonby continued, was this clause, and if that were defeated, he cared not how soon all the rest followed. Much had been said of the danger of repealing laws intended for the security of the establishment—as the test act, for instance. The historical fact was, that the test act was devised, not so much for the security of the church or state, as to turn out Lord Clifford, a favourite minister of Charles II. But allow that these laws were passed with this view, and that they were wise and necessary at the time; yet they were only wise and necessary from the circumstances of the time: and to prove that they are still wise and necessary, it must be proved that the state of things is the same now as it was then. To prove that the same precautions ought to continue, it should be shown that the same dangers exist. Again, it was argued that concession to the catholics was

impossible in a free state, because they professed a blind and implicit obedience to their clergy, and their clergy to the pope; and a reference had been made to what had lately taken place in Spain, in confirmation of the argument. This only showed how differently the same thing was viewed by different minds. For himself, he drew the directly opposite conclusion from the circumstance alluded to; or at least, if it showed the restless and domineering spirit of popery, it showed at the same time, that there was no clergy in modern Europe, not even in Spain, disposed to submit to these arrogant assumptions of unjustifiable authority. The Spanish clergy were enjoined secrecy by the pope, with respect to the orders sent to them; but they had instantly communicated them to their own government, and had thus manifested that they preferred their allegiance to their country to the supremacy of the pope. All that was said of the spirit of popery might be true; he cared not what the spirit of popery was. The spirit of all religions was to govern mankind as rigidly as they could, and they would always govern them with a rod of iron as long as the laity would submit to be so governed. He did not trust to the moderation of priests, but to the spirit of the people. The priesthood would be moderate where the laity were informed. As to the objection, that this bill had not given general satisfaction to the catholics, he did not know how this was ascertained; but he would say, that it held out advantages which ought to be cordially and thankfully received by them. But if it was meant that the bill had not given universal satisfaction, this was the fate of all human measures; and if they were never to legislate without a certainty of giving universal satisfaction, the task of the legislator would become light indeed, his occupation would be at an end. It was enough for him (Mr. Ponsonby) that the bill was such as to give satisfaction to reasonable men; that it was the triumph of truth, reason, and liberality over error and bigotry and intolerance; and that it promised to unite the great mass of the people in the same cordial support of the laws, the constitution, the civil rights, and liberties of the country. He looked upon the present measure as more auspicious and beneficial than any that had taken place since the revolution; and it was a sincere satisfaction to him to reflect, that the friends of the measure, laying aside all personal and party prejudices, had concurred ardently and anxiously in the great two-fold object of catholic emanci-

pation and protestant security. If the bill had defects, let those who saw them point them out; let them remedy them; it was their duty to do so, and not sit idle and indifferent spectators of errors which they might correct by the timely interposition of their advice. He would repeat, however, that by rejecting the first clause, they should do away all the merit of the bill, and those who flattered themselves that by withholding this clause from the catholics they should put a stop to their demands, were egregiously mistaken. They would renew their claims, they would become louder in their demands; the bill without this clause would not satisfy them, and in his opinion it ought not to satisfy them.

Sir J. C. Hippisley said, that though the clause in itself had his most cordial approbation, yet in the order in which it stood he could not support it. They were to give immunities to the catholics first, and to proceed to the consideration of securities afterwards. The honourable member at some length defended his own consistency, and animadverted on Mr. Canning's memorable speech on his motion for inquiry, which, he said, if the honourable member could forgive himself, he did from his heart. The honourable baronet deprecated the inconsiderate, indecent precipitancy with which it appeared the resolution of some gentlemen to hurry this measure through the House. But he trusted, that the House would resist such precipitancy, and in that resistance he did not think that the catholics should regard it as a manifestation of hostility. Indeed the catholics must be extremely mistaken, if they could not discriminate who were their real friends—those who were advocates for hurry and precipitancy, or those who recommended deliberation and caution, so as to reconcile the protestant mind to the measure; which deliberation and caution were the more necessary, as both Dr. Troy and Dr. Milner had expessed such decided disapprobation of the clause respecting securities, declaring that clause to be even worse than the veto. Thus the catholic and protestant being alike discontented with this measure, such discontent afforded ample reason to call upon the House for further and more deliberate consideration, before it was allowed to pass into a law.

The Chancellor of the Exchequer spoke against the motion, but in a tone of voice so inaudibile, that we could collect very little of what he said. The right honourable

gentleman, as we understood him, particularly pressed upon the attention of the House the alleged increase of monasteries in this country, as a serious ground of alarm.

Mr. Tighe expressed his regret that the three great objects of this measure were not brought separately under the consideration of the House; first, that the grant of civil rights to the catholics should not be confounded with the proposition of any restrictions affecting their religion; secondly, that the nomination of catholic bishops should not be left to the established practice—namely, that such nomination should be equally free from the power of the pope and the interference of the House; thirdly, that the utmost endeavour should be made to guard against the interference of any foreign jurisdiction whatever. This guard ought, in his judgment, to form a fundamental principle; but this was not his judgment only, as any person acquainted with the history of England must know. This history, however, he would not take, as a learned civilian (Sir John Nicholl) had done, from the preambles of statutes enacted to suit the views of the minister of the day—to gratify prejudice, passion, or party. But he would refer to higher unprejudiced and indisputable authority, and from such authority it was to be collected, that our catholic ancestors had been most anxious to guard against the interference of foreign jurisdiction. This was particularly evident upon the enactment of the statute of *praemunire*, when Archbishop Courtenay, who was primate and chancellor of England, solemnly protested that the pope had no right to nominate to any diocese in this country, or to excommunicate any person, or to interfere in any nomination of bishops, or other ecclesiastical dignitaries, which belonged of right to the crown. This protest, which was upon record at the Tower, he would advise Dr. Troy, and Dr. Milner, and others, to look at before they ventured again to write or speak with such confidence upon this subject. But the protest of Archbishop Courtenay was not the only instance of catholic resistance to foreign jurisdiction, for Archbishop Fisher strongly withstood the pretensions of Pope Martin IV. to assert that jurisdiction. So strong and decided, indeed, was the resistance of bishop Fisher that the pope suspended him. But what was the conduct of the bishop? why, that he appealed to a general council against the papal decree, and by the Lords and Commons of this country he was sustained and vindicated, so as to prevent

the pope from taking any farther proceeding against him. With such evidence then as to the principle of our catholic ancestors—as to the principle of catholic divines in resisting the interference of the papal jurisdiction, at a period too when the papal power was at its utmost altitude, he could not without astonishment contemplate the alarm which appeared to prevail in some minds upon this part of the question. The honourable member concluded with exhorting the House to discard the prognostics of imaginary danger, which had been pressed upon its attention by those who professed more solicitude for Ireland than its own representatives, and to act upon this great question agreeably to the maxims of justice, liberality, and sound policy.

Mr. Bankes expressed his surprise that gentlemen who, he was persuaded, felt as much solicitude for the security of the church establishment as himself or those who thought with him, could consent to pass a clause of this nature. If it were passed, he declared his inability to comprehend how the church establishment in Ireland could subsist for 20 years; for in that country, according to a great authority (Mr. Plunkett), whose absence on this occasion he regretted, it would not be long before the catholics in Ireland bore the same proportion to the protestants in property as they now confessedly did in number. Then if catholics should be admitted into the legislature, was it not reasonable to calculate that the whole of the Irish representatives were likely to be chosen from among the catholic body, and with 100 catholic members in that House, was there not good ground to apprehend that they would not diligently seek their own objects—that they would not struggle, first for the removal of any restrictions which, under the name of securities, might be now imposed upon them, secondly for the attainment of equality, and next for the establishment of their own church. (*a cry of hear, hear! from the anti-catholic benches.*) He begged gentlemen acquainted with the nature and efficiency of party to consider how such a number of catholic members, linked and connected together for one common object, were likely to operate. Would they not naturally endeavour to recover that church property and that ecclesiastical dignity which they generally deem their right, which every conscientious catholic must desire in his heart? What security could an oath permanently furnish against such danger? for that oath might be repealed. But if the opinion of Dr. Milner were to be con-

sulted, as it appeared in his publication, and that opinion was likely to have considerable influence with the whole catholic body, the plan and object of the proposed securities must fall to the ground. No securities, however, could, in his judgment, be effective for the protection of the church in Ireland, if the catholics were admitted into the legislature. Archdeacon Paley had maintained the position that the established religion should be that of the majority of the people, and when such a position had been advanced by a protestant divine of distinguished authority, was it chimerical to apprehend that the same position would be urged with peculiar industry by catholic divines in Ireland, where the catholics numerically so far exceeded the protestants? (*hear!*) But was it possible that any gentleman could seriously suppose that this measure, even if it passed in its present shape, could be regarded as a final adjustment with the catholics—that the legislature would not be called upon to go farther? Those who could answer in the affirmative would, he was persuaded, betray a total ignorance of the catholic body: with such a hierarchy at its head, and with such agitators as were in the habit of moving that body, they would indeed argue most childishly. When Mr. Pitt, chiefly at the instance of Lord Melville, consented to make such material concessions to the catholic body in the year 1793, these concessions were most inconsiderately supposed a final conciliatory adjustment, that there would be no occasion to go farther; and was it necessary to observe, that when such a fatal error was committed by two such eminent statesmen, by statesmen to whom the framers of this bill were, with all deference, so inferior, at least to Mr. Pitt, it was rather improbable that those framers had found out the secret of effectually tranquillizing the catholics; of removing all apprehensions, and healing all animosities. He very much feared that it was idle to look for such a final adjustment upon this subject. The union he remembered to have been termed a final adjustment; but instead of so proving, it was among the mischievous consequences of that measure, and it had produced many, that Parliament had since it passed been so very frequently teazed with this catholic question, and he feared that it would continue to be so teazed. But yet, until he could clearly see his way to some plan for effectually allaying all animosities, for safely conceding upon this subject, he would proceed with peculiar caution.—

Upon such a question, he forcibly felt the propriety of legislating step by step—of proceeding by degrees, at least till the period for safe compliance with the catholic claims should arrive. And yet he must frankly confess that he could not at present foresee such a period. Here the honourable gentleman adverted to the long struggle for rank and power between the plebeians and patricians of Rome, in which struggles the former pressed so strongly their claims to reward and distinction—for they too spoke of their services to the state—of their blood shed in its defence, &c. And what was the result? Why, that the plebeians were at length rendered eligible to the office of consuls; but still being in the habit of deferring to the patricians individually (*hear, hear! from the opposition benches,*) patricians were uniformly elected to the consulships, until a decree was passed, ordaining that one of the consuls should always be plebeian. Some similar division of power between catholic and protestant would, he feared, be finally selected, should this measure be acceded to—possibly a catholic establishment for Ireland, whilst a protestant establishment might exist in England. The honourable member concluded with expressing his conviction, that if the clause under consideration were allowed to pass, the proposed securities would be of no consequence, and that Parliament would continue to be teazed upon this subject just as often as the agitators in Ireland should think proper: therefore he would on this occasion make a decisive stand against the measure.

Lord Castlereagh wished to direct his observations to the clause on which his right honourable friend (the speaker) had declared he would make his stand, and which he conceived to be substantially the essence of the bill. If they did not succeed in that clause, he conceived the measure to be stripped of all those qualities for which it was desirable. (*hear!*) He felt it to be the most essential feature of the whole bill. Upon grounds of expediency, he was not disposed to adopt a system of restraint towards the catholics, unless he was at the same time to come forward with concessions to them. When he was in a situation of giving constant privileges to them, he placed them in a relation to the state, by which it would be better prepared against all dangers foreign and domestic. On the principles of confidence and mutual safety, he had armed them and the state with a broad shield; they would act together with a

common interest. He was not deterred from continuing to entertain this view by what had fallen from an honourable gentleman (Mr. Bankes), who asked if this bill was calculated to produce a final settlement? It would be great weakness and folly to pronounce of any legislative measure, that it was a final measure. (*hear, hear!*) God forbid that any men who were legislating for this country should entertain an opinion of such a nature. In his opinion, however, if the protestants were strong enough to put themselves in a situation of embarking with the catholics with safety, and of treating them as friends, any thing which remained to settle with the catholics or with any other class of dissenters, would be matter of easy regulation. (*hear, hear!*) If they did not mean to perpetuate the fermentation which had unhappily so long agitated the Empire; if they wished that the concession should strike deep in the hearts of the catholics, they ought to look on the question like statesmen—they ought not to waste the principle of conciliation in angry struggles. The attempts which had been made in other countries to diminish the power of the head of the catholic religion was not, in his opinion, an argument against the present measure, but an argument for it. This laid open the remedy which this country might also resort to; because when they saw that a catholic state was armed with this power against the see of Rome, they saw also what they might derive from a conciliation of the catholics, when their interests should be fully identified with those of the state. They were no longer now discussing the question in general; nor could it be said now by the opponents of the measure, that they did not know what was meant by securities. Formerly there were such a variety of shades of opinion with respect to what might be deemed securities, that they never knew what they were discussing; but now the securities were distinctly stated. His right honourable friend (the speaker) had wished some regulation could have been introduced for the protection of the state against the regular Roman catholic clergy; but, in his opinion, it would not be desirable to enter into any arrangement of the internal affairs of that church. He had no doubt, if any bond of connection could be formed between the catholics and the state, no rational pledge would be refused by the members of that church. Without laying the foundation of such a state connection, the two sects were not growing together, but

growing asunder. His right honourable and learned friend (Sir J. Nicholl) seemed to consider the British constitution to be such as to admit of no alteration or encroachment, and that from the highest down to the lowest officer of the state, the catholics ought perpetually to be excluded. There was nothing more consistent than that a person holding such opinions should give his opposition to this bill. But was this a policy which was calculated to defend their Empire? Could they persuade themselves that with this principle they could carry on the government of the British Empire, he did not mean for this year or the next, but for a long series of years? Could his right honourable friend lay his hand on his heart and say, that if the catholics behaved with common prudence, and offered to give the securities which could be fairly demanded from them, the system of permanent exclusion could be steadily acted on? If this system of exclusion cannot be acted on for any length of time, then, in the name of God, why not as soon as possible put the country into a state in which public opinion might repose, and both classes might come together. They ought to look far beyond the measure in the present session. He believed that his right honourable friend always acted conscientiously, but he had a strong impression on his mind, that all the jealousies of his right honourable friend went merely to this—whether the catholics were prepared to grant, or the House had such strong securities as might render the measure safe. The securities now had been brought forward; and the question was, whether these were adequate securities? It was not fair in the right honourable gentleman and others to be always talking of securities when they conceived that securities were a matter of difficulty, and then when securities were at length proposed, to evade the discussion of them and go back to the principle. (*hear, hear!*) He had heard many persons say, if the catholics would only take the oath of supremacy, all their difficulties with respect to concessions would vanish. He believed the catholics might safely take the oath of supremacy in the sense which the protestants attached to it. It was creditable, however, to their moral principles, that from certain concientious scruples they would not take it. They conceived the oath to deny the spiritual authority of the pope. They were willing, however, to take another oath abjuring all temporal authority or interferences of the pope in the state. But what could be devised better

adapted for every security against any improper interference on the part of Rome than this bill? It went a great way to satisfy the principles of the oath of supremacy. It brought all the actions of the pope of Rome under the review of the state; and this afforded them a more satisfactory security against the pope than they could derive from any oath they could possibly devise. It was said there were still loop-holes—their designs might still be carried on notwithstanding all their precautions. But was it from these secret machinations that this country had any thing to apprehend? The danger consisted in those workings of the church by which a feeling of separation from the state was kept up with the catholic body. Was it not the permanent principle of exclusion which gave birth to this feeling of separation? And he would ask if that principle was likely to have a tendency to protect us from machinations from abroad? With respect to the quantity of power, he could conceive with the honourable gentleman (Mr. Bankes) the catholic power to predominate to such a degree, that no safety could exist without a permanent exclusion. But he saw no such preponderance of power on the part of the catholics as to render them so strong an object of apprehension. If the catholics who might be returned to that House, were to attempt to make a bargain with respect to the manner in which they should give their votes, as had been suggested that night, they would soon excite such a party against them, as would render their efforts fruitless. But the privileges to be given them would make them more cautious in their conduct than before. He could very well conceive that the catholics, like other dissenters, would not be so very anxious to support the established church as those who believed in its doctrines; and if the power of the catholics, added to that of the other dissenters, was so paramount as to endanger the safety of the establishment, however he might regret the circumstance, he would not make the concession to them. If he did not persuade himself that there was a strong protestant ascendancy in the country, that the crown, the church, the councils, and the property of the country were protestant, he would not propose the measure. He had no doubt that many of the protestant gentlemen who were sent by the catholics to that House, went farther in the support of their views than would be done by representatives from their own body, who would conduct themselves, in all likelihood, rather with more moderation

than more violence. The change would not aggravate their power within the walls of Parliament. They would feel that the brand of distrust had been taken from them; and their confidence would be soon restored. He deprecated every idea of not discussing the question on principles, and of having an annual question of how much, from time to time, might be doled out with safety to them. He rejoiced at the temper which had been displayed on both sides of the House, and at the concessions which had been made on the subject. He regretted that he happened to differ in opinion with those men, with whom he agreed on the general policy of the country, on this question, but he felt it to be his duty to take that part which his conscience dictated.

Mr. Yorke said, the noble Lord had observed that the carrying of this measure would place the country in a state of repose, and that it was the only safe policy for the country to adopt to admit all the concessions required by the catholics. If he believed that it would have this effect, he would at once vote for the bill. But so far, in his opinion, from allaying discontents, it would have a tendency to increase them, by bringing the catholic more frequently into contact with the protestant. The steady policy of this country appeared to him to be, to adhere to the institutions of our ancestors. He had always been of opinion that considerable concessions ought to be made to the catholics. (*hear, hear!*) But this was a question about government: whether they were to admit the catholics to a participation of the government—not merely whether they should be admitted into the army or navy? The bill admitted the danger to be apprehended from foreign influence, and the necessity of taking securities from the catholics. His noble friend (Lord Castlereagh), in his argument, admitted the danger, but thought the securities of this bill were sufficiently adequate. In his opinion they could never have but one security of any importance—and that was the one they were going to give up. The only real security was the keeping them out. (*laugh.*) The oath of supremacy was the means by which they were kept out. That oath they could not swallow, and by not taking it it they were kept out of the state. But if the oath was given up to them, they gave up the only security. When they were once admitted into the government, it was ridiculous any

longer to talk of security, when the only real one had been already given up. A protestant King implied a protestant Parliament and a protestant government; and when we gave up this point, we positively destroyed the constitution. The church of England was a parliamentary church. The original compact between the church and the state was, that Parliament was to regulate the matters of the church—that Parliament was to be its protection—and if Parliament now agreed to the present bill, was not this a direct breach of the compact. On this ground he could not vote for this clause in the bill; but, with amendments such as he had already hinted at, he was ready to support it. He could not give up these main points; because, according to his view of the matter, if he did so, he would be giving up the constitution. After all the privileges conferred by the present bill, and after a commission appointed by the King, the catholic bishops might treat it with scorn. This was a loose kind of security to act upon, and therefore he must oppose this clause in the bill.

Mr. Grattan contended that the objection last urged by the right honourable gentleman against the bill was utterly unfounded. If the catholic bishops did not agree to the commission, the episcopacy must expire; what then would become of the alarm arising from it, when there would cease to be any episcopacy at all? The right honourable gentleman thought that great danger must result from the infusion of catholics into this and the other House of Parliament. In this he should agree with the right honourable gentleman, were the ground on which his apprehension was built at all founded in fact. But, though there were catholic members in that House, did it by any means follow that the House, in consequence, become a catholic body? Surely not. It still continued a protestant body, with a small number of catholic members, making laws for the regulation of protestants, catholics, presbyterians, &c. The right honourable gentleman set out with a position radically erroneous—namely, that the protestant and catholic could not be united. This he denied. There was no civil incompatibility between the two. It was from the penalties imposed on the catholics alone that an artificial separation was made—a separation which would cease with those penal laws. The right honourable gentleman (the speaker) seemed to argue that if the present bill passed into a law, they would

immediately have nearly 100 catholic members in the House of Commons. This was a conclusion which he denied, nor did he see the smallest reason for the presumption. To prove that such an idea was correct, the right hon. gent. must show that the landed property of Ireland was in the hands of the catholics. The contrary, however, was known to be the fact; and it was also known that it was the landed interest who returned members to Parliament. The right honourable gentleman said that the present bill would have the effect of producing a catholic ascendancy in Parliament. That he denied. The utmost effect which the present bill could have, would be to introduce probably seven or eight peers into the other House of Parliament, and 20 or 30 members into that House. Could that be called an ascendancy in Parliament, considering that there would even then remain on the side of the protestants a majority of upwards of 600 in the one House, and of about 400 in the other. Yet these were the grounds on which the catholics were excluded from the constitution, and on which an alarm for the safety of the protestant church was raised. The question now was, would the House reject both catholic emancipation and protestant security? The House had called on the catholics to give them protestant security. They had come forward and offered security to the protestant establishment; and now the House was called on to reject security to the protestants on the one hand, and liberty to the catholics on the other. For his own part, while he supported the clause now more immediately under consideration, he thought the other clauses containing the securities to the protestant establishment perfectly necessary for the bill, and he should vote for them as one and the same. The noble Lord opposite (Castlereagh) had acted a manly part. He had a right to share in the credit arising from the bill; and he (Mr. Grattan) and the other supporters of the bill had a right to share in the odium arising from the accompanying clauses. Notwithstanding the opposition of the catholic clergy to those clauses, he must say that in doing so they were enemies to themselves and to the catholic community, and that they must take on themselves the consequence. If the House rejected the bill, they could not pass the clauses accompanying it. They must therefore, in rejecting the bill, show that all apprehension of the pope and of the popish ascendancy had ceased to operate. They must give up the securities to the establishment, on the one hand, and vote for the exclusion

of four millions of their fellow-subjects from the constitution, on the other. They must vote equally against catholic freedom and protestant security.

Mr. Bathurst said, it had been admitted that no concession ought to be made to the catholics unless accompanied by securities; yet here the concession of all their demands was made to precede security of any kind. Thus, if the securities were not nugatory in themselves, they might be rendered so. The right honourable gentleman said that in negativing the present clause the House also gave up the securities. This he could not see. The House might grant part of the bill, and attach to that part the securities proposed to be attached to the whole. The right honourable gentleman said he was ready to take his share of the odium arising from the clauses containing the securities. Was not this to say that the odium was to come from the catholic body? And this being so, he asked what was likely to be the security to the establishment, on the part of those who could suffer odium to attach to clauses which the right honourable gentleman thought reasonable.

Mr. W. Fitzgerald begged to recal the attention of the House to the clause more peculiarly under their consideration. However disagreeable the clauses containing the securities might at first be in Ireland, he was satisfied, before the measure began to operate, that the good sense of the people would have reconciled them to any thing that might at first be unpalatable in the measure. For his own part, he was against the exception of any offices whatever, though he was satisfied, at the same time, that in the introduction of the few exceptions which had been made, the author of the bill had best consulted its success. To his mind, however, the best security to the established religion was to be found in a protestant throne and a protestant parliament.

Mr. Canning rose and declared, that like the right honourable gentleman who had preceded, his object was to recal the attention of the committee to the immediate stage of the bill before them, the adoption or rejection of which virtually involved the adoption or rejection of the whole measure. That measure involved two distinct considerations, conciliatory concessions to the catholics, and security to the protestant establishment. For himself, he was for the clause, because it was the most valuable concession that could be bestowed, and he was still more for it, because in his conscience he believed it would prove the most effective se-

curity for the protestant establishment. Of such paramount importance did he consider it, that he would say it formed the whole matter of consideration that was then pressed upon them. It had been urged, by an honourable member, that if the present bill passed, they would only be creating a source of disquietude and disaffection and remonstrance for the next 20 years. Twenty years were a long period to legislate for: it was a long period of human life: but he would say, that whether tranquillity or restless discord were the result, the way not to excite, but to allay them, was to give them vent in that House. (*hear, hear!*) Surely it was the part of sound policy to teach the passions of the people to run in a regulated course, rather than to let them break out into wild disorder, aggravated by all that intemperate faction may mix with them of real and imaginary grievance. He had often heard, in allusion to certain characters, if such a man finds his way into Parliament, he will do such and such things: his opinion had always been, that every such demagogue ought to find his way among them; he would wish them to carry there their ill-acquired influence; he would almost lend his personal assistance to bring them there, that they might appear face to face with those who meant and were anxious to maintain the true principles of the constitution. To apply that reasoning to the catholics, if they should be still dissatisfied with what was done for them, he would ask but this—let the cause of dissatisfaction be pleaded in that House (*hear, hear!*)—that they might meet it—that they might discuss it—instead of its being agitated out of doors. He would strip the cause of real grievances, and in bringing it before that House, he would bring it where it could be judged, not by the passions of an irritated multitude, but by the acute judgments of persons accustomed to regard state affairs with statesmen's eyes. Therefore admit the catholics, perhaps admitting them might be synonymous with disaffection; but, in God's name admit them, for where should disaffection find its antidote so surely as in that House? (*hear, hear!*) But, what were the exaggerated apprehensions entertained by his friends? If catholics now sat among them, if they actually formed a part of the legislature, and the question were to expel them from their bosom, their arguments would be more applicable. Yet the object of their arguments was to give the catholics a common grievance, and consequently to give them a common bond of sympathy; and that too, not

only as affected the catholics themselves, but it was holding up a standard to which all other discontents might flock. (*hear, hear*!) Rebellion, however originating, springing from whatever cause, would immediately become a catholic rebellion; but he wished to take away that colour, and to save that House the reproach of having foregone an opportunity of stripping disaffection of its plea of right. An honourable friend had maintained, that if the clause were retained, catholics would acquire an influence in the state which they could not acquire in any other way; he would thus exclude them from the popular part of the constitution, which alone forms any counterpoise to the favour of the crown; and he would expose them to the danger of losing all sympathy with the public. But if such a proposition were adopted, would it be possible to conceive any class of men more cut out for danger—men capable of serving the crown, but incapable of coming in contact with the popular part of the constitution. He really could not form in his imagination any system more fraught with danger. (*hear, hear*!) His honourable friend had carried his fears very far, and had given a happy historical illustration of them. (*hear, hear*!) If you confer capacity, he argued, you confer possession; and he taxed his memory in the Roman history to show the only instance in which a capacity to receive had been accompanied with an abstinence from office. For himself, he hoped in God, if the concession were once made, it would have a practical effect, and not suffered to remain a dead letter. All the objections urged against the clause were of a nature precisely similar to what had been urged before the union with Scotland; and, indeed, they were urged before the union with Ireland; and if he was not mistaken, though he would not be quite certain, by his honourable friend himself. If, said his honourable friend at that time, you admit 100 members from the sister kingdom, you will only knit them more closely, you will make one compact body of them, united for all Irish objects, and throwing their weight into that scale. But he would say, let any man look at what happened, and say if such had been the case? or, whether the representatives for Ireland had not fairly distributed themselves, and in no way adhering, as his honourable friend had anticipated? The same had been prophesied with regard to Scotland, but all such fears were visionary: no one could trace in that House a distinct Scotch, or a

distinct Irish interest, and it was equally visionary to talk of a catholic interest predominating. If he were desirous of ransacking history, he could show examples of many proscriptions now happily done away, as severe nearly as those against the catholics. He could show some relating to Wales, in which, among other things, any person who married a Welsh wife was ineligible to a seat in Parliament; and yet, now his honourable friend was among them, and able to take his part against the catholics. (*hear! and laughter*). With regard to the course which the debate had taken, he must a little complain of it. In all the early stages of the measure, instead of discussing the principle of the bill, the constant burthen of the debate was, that no securities could be devised satisfactory to any reasonable man: it was therefore idle to discuss the principle: securities, ample and effectual, were the *sine qua non* of the whole business. (*hear!*) Well —securities had been devised, and now what was their conduct? There was no more talk about them. (*hear, hear!*) They were more satisfactory than they could expect, therefore they would say nothing about them, or at least they would, perhaps, for our sakes, pass them alone! (*hear, hear!*) If they were against concession altogether, it had been better to have said so distinctly; but it was rather hard to set them at work to devise securities, and when, with the sweat of their brows, they had devised such as seemed to defy all cavil, to leave them out of the question, and let concession shift for itself. (*hear, hear!*) He perfectly agreed with the noble Lord, who had with so much manliness and candour declared his sentiments that night, that if the bill came out of the committee, a bill of pains and penalties, let those who made it such look to it. He would wash his hands of it altogether. If they succeeded in beating out the bill, which they would do if they beat out that clause, they must not let to-morrow pass without announcing to the trembling and dejected catholic, that they have pains and penalties in store for them. He knew not what phantoms, what spectres, what shadows haunted their imaginations; what grisly sprites glided before them in death-like paleness, harrowing up their rest, and perturbing their minds:— but, he would repeat, if they beat out that clause, he would have nothing more to do with the measure. (*hear, hear!*) He would let those sleepy guardians of the constitution, who could see no danger till it was disappearing, possess it wholly. But it was idle to suppose that Parlia-

ment would separate without doing something for the catholics, unless they meant to falsify all they had hitherto done. If the measure to be adopted was to be one of conciliation, there was he, and there was the noble Lord, ready and happy to lend their assistance towards so desirable an issue: but if it was to be one of pains and penalties, there were those who brought it forward that might complete it, and he did not envy them the task. (*hear* !) But let them not shift it off their shoulders, to place it upon ours. We were left to devise such securities as would be satisfactory; we had come forward with them; not one hostile voice was raised against them; they were thought sufficient by all; and let them go hand in hand with the concessions: but if they made the measure one of unmitigated penalties, it was their measure, and not his or his friends. (*hear, hear* !) The right hon. gentleman then adverted to some parts of Sir J. C. Hippisley's speech with much wit humour. After alluding to the stage in which the bill was, and the manner in which it had been fought inch by inch through the House, he continued by saying that every exertion had been made to stifle it in Parliament, and the most active canvassing out of doors had been resorted to against it. (*hear, hear*!) The question however before them was, whether they would reject that bill and dash the highly raised hopes of the catholics to the earth, and throw them into a state, he would not say of justifiable resistance—but into one of trial, such as no people had undergone before. But could it really be conceived, that after four divisions in that House in their favour, when the impossibility of securities had been done away by the confession of all, when opposite prejudices had mingled, when those who had opposed the measure had manfully come forward in its support, and when, one after another, all the obstacles had faded away—could it be believed, that having nursed this measure to maturity, having filled the cup to the brim, that now it was to be dashed from the fevered lip of the expecting catholic, who already tasted it in imagination? (*hear, hear* !) Was it possible that any man could be induced to vote against the clause? If, however, they should succeed, as perhaps they might by two or three units, would they not be anxiously watching the rest of the year what will be the effect upon the catholic mind?—With regard to a question which had been put in the course of the debate, whether, if the adjustment of it took place as now framed would be

final, he thought it not a very judicious one. "Man, and for ever!" exclaimed the poet, and so might the legislator exclaim. He could say, however, that as far as he and others were concerned, he believed it would be final. The measure gave all that could be required. It combined catholic concession with protestant security. In that sense it would be final. It would also be so far from calling forth new claims, that it would create an oblivion of all former ones. Above all things, he would wish them to remember that on their vote depended not only the bill before them, but two opposite courses of policy, the one final, as applied to mortal affairs; the other, beginning again that old system, which he hoped, the issue of that night's debate would prove was utterly abandoned.

Mr. Manners Sutton said a few words in favour of the amendment. After which Mr. Canning and Mr. Bathurst explained.

The question being then called for, the House divided, when their appeared,

For the amendment - - -	251
Against it - - - - -	247
Majority - - -	4

Mr. Ponsonby said, as the bill without this clause was neither worthy of the acceptance of the catholics, nor of the further support of the friends of concession, that he would move that the chairman do now leave the chair, which being carried without a division, the bill was, of course, abandoned.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MAY 25.

Some conversation took place between Lord Redesdale, the Earl of Lauderdale, and the lord chancellor, respecting a bill for enabling the patentee of a new mode for preparing flax and hemp to conceal the specification of his patent, which was read a second time, and ordered to be committed to a committee of the whole House on Friday.

The Irish churches bill was, on the motion of the bishop

of Cork, ordered to be read a third time to-morrow. His Lordship also presented a bill for removing doubts as to the power of archbishops and bishops in Ireland to grant leases of the demesne land of their sees, which was read a first time, and ordered to be printed.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 25.

EAST INDIA QUESTION.

Lord Castlereagh said, that as the examinations upon this subject were concluded by the select committee on Friday, and as the depositions had been regularly printed and delivered to members, he should move that the question be taken into consideration by the House on Monday next, by which day he conceived that every gentleman would be prepared to decide. An additional motive for choosing an early day was, that the attendance of members might be as full as possible. He therefore moved, that the House should on Monday next resolve itself into a committee, to consider the affairs of the East India company, which was agreed to.

CALL OF THE HOUSE.

Mr. Ryder withdrew his motion for a call of the House on Monday next; and the order of the day for the attendance of defaulters on Friday was discharged.

ARMS IN IRELAND.

Mr. Peele, after a single observation upon the acts of 1807 and 1810, moved for leave to bring in a bill to revive those statutes to prevent improper persons from having arms in Ireland.

Sir J. Newport said, no ground had been stated for departing from the regular course of the constitution, as proposed by this bill. He thought it came with a peculiar ill grace at this time (after the decision of last night) from the quarter in which it originated.

Mr. Dennis Brown, Lord Desart, General Hart, Mr. Shaw, Mr. Littleton, Mr. Rochford, Mr. Odell, and Mr. Peele,

defended the necessity of the measure, and stated several facts to show that Ireland was in a state of barbarism and ferociousness, which required the strong hand of the law, and measures even more decisive than the present, to maintain public tranquillity or private safety.

Sir John Newport and Mr. C. Wynne expressed themselves perfectly satisfied with the grounds which had been stated.

Leave given to bring in the bill, which was accordingly brought in and read a first time.

The Irish malt bill was read a third time, and passed.

Sir F. Flood opposed the third reading at considerable length.

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY 26.

The Lord Chancellor having moved the order of the day for the consideration of the question arising in the Borthwick peerage case, whether evidence could be admitted, in a new claim, to overturn a former judgment of the House, under which a peer had been in possession, observed that it was a question of the greatest difficulty; and as the chief justice of the king's bench could not attend that day, he proposed that the consideration of it should be farther postponed till Monday.

Lord Radnor adhered to his former opinion, that the evidence could not be received.

Lord Lauderdale said, that this being a Scotch peerage, must be judged of by the rules of the Scotch law.

Lord Redesdale said that, since the union, the question must be judged of by the law of the British Parliament.

Lord Lauderdale persisted in his opinion, that it must be tried according to the rules of the Scotch law; and said, that if any question were to be submitted to the judges, it must be to the Scotch judges; and what lights they might expect from that quarter, he must leave those to state who were in the habit of examining the decisions of those very learned persons.

The Lord Chancellor said, that his noble friends only misunderstood each other. There was no doubt but the question must be judged with reference to the principles of

the law of Scotland, but subject to a decision of that House since the union.

The further discussion was postponed till Monday.

The Duke of Norfolk gave notice, that on Monday he should offer a bill to the House, on the subject of the test law, as applicable to Irish catholics when in this country.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MAY 26.

SHIP-OWNERS' BILL.

On the order of the day for going into a committee on the ship-owners' bill,

Mr. Serjeant Onslow opposed the speaker's leaving the chair, on the ground that the spirit and principle of the bill were so much against the rules of law, that he could not suffer it to proceed, without expressing his disapprobation of it. He contended that it sacrificed the shipping interest to that of others, and that the acts of the 26th of the King had carried the question as far as it should go.

Mr. Rose said, the learned serjeant is so good as to take up the cause of the ship-owners, and to give his opposition to the bill under the consideration of the House, to avoid the ruin that must fall upon them if it should pass into a law; of course professing to understand their interest better than they do themselves. He objects also to the principle of it, on the ground of the common-law responsibility of owners never having been broken in upon, except by the act of the 26th of his present Majesty, conceiving that a great deal too much was done by that act. And he is persuaded that if the relief now sought for should be granted, owners would become indifferent about the masters and others they shall employ; that, in short, it would be a direct encouragement to ignorance and carelessness. With respect to the first head Mr. Rose observed, it was only necessary to remark, it was not too much to suppose that, considering the description of persons who are principally concerned in the shipping of the country, they are likely to know what will be for their advantage a little better than the learned serjeant: and that these gentlemen are not only not disinclined to the measure, but are most anxiously desirous of obtaining it, is manifested by applications from many parts of the

country in favour of it, and no objection having been made to it from any quarter whatever; even the merchants generally approving of it; who, with the underwriters, if any had, would have an interest against it; the latter also acquiescing. That it was certainly true, by the common law, owners were answerable for all accidents, except such as arose from the act of God, or the King's enemies; but not true, as stated now, that that principle was not broken in upon till the reign of his present Majesty; because so long ago as the year 1733, in consequence of an embezzlement of some silver in a British ship at Lisbon, a petition was presented by Sir John Barnard to the House of Commons, stating, among other things, "that when persons became owners of ships they did not apprehend themselves exposed to such hazard, or liable, as owners, to any greater loss than that of the ships and freight; and complaining of the insupportable and unreasonable hardships to which our laws in this case subject them, and to which no owners of ships are exposed in other trading nations," &c. On this petition, leave was given for a bill to give all the relief asked for, and it was ordered to be brought in by Sir John Barnard, Sir Robert Walpole, (then first minister), and others, which was passed into an act without the slightest obstruction. Thus the law remained till 1786, when an action was brought against the owners of a ship on board of which a robbery had been committed in the Thames, who escaped from making good the value of the property stolen, only by its having been discovered that the fresh water pirates had been informed by one of the crew how they might possess themselves of the silver they carried away, which brought the case within the provision of the act of 7th Geo. II. as an embezzlement. The ship-owners, therefore, again took alarm, and presented a petition to the House of Commons, stating, "that the court of king's bench had declared the law to be, that captains and owners of ships and vessels are respectively answerable for the full value and amount of all goods and merchandize put on board their ships, in case the same are lost by robbery, fire, or any accident, other than by enemies, the perils of the seas, or the act of God;" on which petition a bill was brought in and passed without opposition, giving all the further relief asked, arising from the case stated. Again, in 1812, in the act for regulating pilots, &c. there was a provision that the owners should not be answerable for any loss or damage by reason of no pilot

being on board, unless from wilful neglect; and even in that case the liability does not extend beyond the value of the ship and freight. The last instance, Mr. Rose observed, might be liable to some objection, as the act was brought in, and, in a considerable degree, framed by himself; but he added that the clauses of indemnity were inserted on much consideration, and under high legal authority. Here then were three instances, in which the principle held so sacred by the learned serjeant was broken in upon as the necessity in each arose; in the first, framed under the immediate care of Sir John Barnard (as eminent for his skill and experience as a merchant, as for his unbiassed integrity as a member of Parliament), and of the first minister, it was expressly recited "to be of the greatest consequence and importance to the kingdom to increase the number of ships and vessels, and to prevent any discouragement to merchants and others from being interested and concerned therein;" and in the second, "that it is of the utmost consequence and importance to the general welfare of this kingdom to promote the increase of the number of ships and vessels, and to prevent any discouragement to merchants and others from being interested and concerned therein, which is likely to happen from the responsibility to which they are now exposed, notwithstanding the salutary intention of the said act," viz. the seventh of Geo. II. These recitals establish, beyond all doubt, on both occasions, that the legislature, in which there were lawyers of most distinguished eminence, as well as all mercantile men, had a different view of the subject from the learned serjeant. But the learned serjeant fortified himself by alluding to the bill rejected in 1797, as being to the same effect as the present; respecting which he was in a complete error, as that went to a general indemnity for ship-owners, who had taken an alarm at a recent determination of the court of king's bench; but that bill having been thought to go too far, a clause was prepared by Mr. Perceval to fix the same limit as at present; with which the bill would have passed without further opposition, if the ship-owners had not declined accepting the measure so narrowed. And it is clear that if the present bill should pass into a law, the owners will still be liable, to the full extent, for all losses occasioned by errors in navigating the vessel, even where no blame can be imputable to damage proceeding from a leek occasioned by events after the ship sailed, though perfectly seaworthy

when she left her port, and from various accidents which no care or vigilance can guard against; such as illegal seizures by revenue officers, from which shippers of goods may sustain loss, &c. The owners will still be liable also for losses that may happen from ships not being seaworthy at the time of sailing, from which responsibility Mr. Rose thought they should not be relieved, and therefore struck out a clause that was in the bill when put into his hands, for protecting them in such cases, under an impression in his mind, that although no care or caution on the part of the owner could guard against the possibility of some latent defect escaping the penetration of the most skilful surveyor, yet that the proposed indemnity would incur the risk of an infinitely greater evil, by offering encouragement to a very different description of men becoming owners, than those who are now concerned in shipping. That if the further departure from the common-law principle of responsibility on behalf of owners shall be conceded, it will be in conformity with what has been done in other maritime countries, where the civil law prevails in matters of that sort; which departure is commended by Grotius, who says it is founded in policy and sound justice. In France, in Holland, and in Hamburgh, under the old system, owners were not liable beyond the value of ship and freight, which is confirmed by the allegations in Sir John Barnard's petition already referred to. Mr. Rose then called upon the House to say whether they thought that in this country, possessing the largest mercantile, as well as the most powerful military, navy in the world, ship-owners should be allowed to remain under greater discouragement than in any other commercial nation; it being perfectly certain that many respectable persons had already withdrawn from such concerns, and that more would do so if the relief now sought should be refused? A very large proportion of owners are persons living on shore, having no knowledge of shipping, who are willing to take the risk of losing what they embark in the purchase and outfit of the ship, but would withdraw from a concern in which they might lose all the property they have, and perhaps be imprisoned for not having more. Here Mr. Rose observed upon the difference between the carrier by land and the ship-owner; the former having it in his power to guard, by his own care, against almost all injuries except robbery, (which has been conceded to the ship-owners by the 26th of the present King, on account of

the difference between their situations and that of the land-carrier), whereas the latter are liable to risks from dark nights, thick fogs, shifting of sands, and in some instances the neglect of lights on the coast. The situation of the ship-owners, in another respect, appeared to Mr. Rose to give them an irresistible claim to relief, as they have no possible means of covering themselves against a loss they may sustain by a ship of theirs running foul of another at sea; they can insure only against what their ship may suffer, but not against what it may do. An underwriter may indemnify himself by a small addition to his premium, if he shall think it worth while, but the owner is without remedy. The underwriter very rarely takes more than 1000*l.* upon a risk; the owner of a ship not worth 4000*l.* may lose 50,000*l.* or 100,000*l.* by a single accident, as it is certainly within a probability that a ship of 300 tons striking one of three times that size, going fast through the water, might sink her. Cases were then mentioned by Mr. Rose, and the circumstances detailed, of ships running others down, without the slightest blame on the masters or the crew, in which verdicts were obtained by the suffering parties. Mr. Rose then adverted to the learned serjeant's assertion, that if the relief desired should now be granted, it would be an encouragement to negligence and ignorance, as one of the most extraordinary positions ever attempted to be maintained. There might have been, he said, some remote danger of that, when the owners were protected by the seventh Geo. II. against embezzlement: it might then have been alleged that the master's vigilance would be abated, knowing that the want of that would subject his owner only to the loss of the value of the ship and freight: so again the same might have been urged, when the owner was protected by the 26th Geo. III. against fire and robbery, that the master and crew would be less careful about fire, and less disposed to risk their lives in defence of the cargo against robbery, knowing the protection afforded to the owner. Whereas the present bill, leaving the owners, in all cases, still liable for the value of the ship and freight, will be a sufficient inducement to them to employ only careful and skilful men; and the anxiety of the master and crew for their own lives will not be abated by the indemnity to the owner, which must necessarily be in danger on striking another vessel, as it is not possible for one ship to sink another without incurring risk to itself.

Having all these circumstances in view, Mr. Rose trusted that the learned serjeant would not be able to persuade the House not to go into a committee upon the bill, especially as the several parties who alone are interested in it, are agreed upon the subject.

The Attorney-General felt it his duty to say a few words on this subject. He thought the ship-owners ought to be liable to all damages accruing from their particular ships; because, if the remedy was to lie only against the funds of the master of the vessel, it would seldom happen that the parties injured would receive any redress. They could only be called on in cases of gross and scandalous neglect and mismanagement in the masters they employed to navigate their ships; and for such neglect and mismanagement the owners ought to be accountable. He was very apprehensive that passing this bill into a law would very much tend to introduce carelessness and negligence in masters of ships. His only wish, however, was to have this matter well ascertained, and for that purpose would wish for a little delay in the procedure of the bill. If it were in truth for the interest of the ship-owners, a pause of 10 or 12 days could be no disadvantage; and in the mean time it might be shown whether it would actually be for the general advantage of the ship-owners or not.

Mr. Rose said, he was so desirous of having the subject perfectly understood, that he had no objection to postpone the consideration of the report to this day fortnight.

Mr. Canning said, the reason why his right honourable friend who spoke last had brought in the bill was, that it would be hard ship-owners should be made liable to risks over which they had no controul. The law should rather apply to those immediately interested in it, than to any technical distinctions made by those who thought they might have occasion to apply to courts of law.

Mr. A. Baring thought the bill might have a tendency to create neglect in masters of vessels, and in such case he was of opinion the ship-owners should be liable to answer for the act of their servants.

Sir M. W. Ridley said, the interest of the ship-owners positively required the aid of the bill.

Mr. Thompson said, he had no objection to wait the time proposed by the attorney-general. He had no doubt but there would be many objections from lawyers, but he had never heard any objection made against the bill either by

merchants or underwriters. If the law should stand as it now did, he believed it would be highly detrimental to the shipping interest, by causing many ship-owners to withdraw from the trade. He hoped to see the bill pass, but agreed to the postponement.

Mr. Shaw said, the shipping interest was of such vital importance to the country, that the House ought to give to it every facility consistent with the interest of the public at large. He should therefore support the bill, though he had no objection to the delay required.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, MAY 27.

CIVIL LIST.

The Chancellor of the Exchequer rose to make the motion of which he had given notice respecting the civil list. He said he was aware that considerable prejudice had gone abroad respecting the expenditure of the civil list: however, he felt confident that a due consideration of the papers on that subject before the House, would entirely remove that prejudice. [The right honourable gentleman spoke in so low a tone, that it is impossible for us to attempt to give his speech correctly; but from what we could hear, we understood him to say], that there had never been a year since 1804, in which the expenditure of the civil list had not exceeded the estimates. He divided the subject into different classes: pensions and allowances to the royal family; the lord chancellor and judges of the several courts; foreign ministers; bills of his Majesty's tradesmen; pensions; small fees; and treasury; and to those were to be added occasional payments. He stated the several instances in which the expenditure in each class had exceeded the estimates; and accounted for it by the difference of circumstances, and by the increase in prices of almost every thing in use, since the year 1804 to the present time. This, he said, was particularly observable in the articles of the bills of his Majesty's tradesmen, and the allowances to foreign ministers, which had lately been increased in a very great degree. He enumerated the several excesses which had taken place in each year above the

estimates, which it was impossible for us to hear distinctly; but we understood him to say, that the increase of charge remained to be accounted for by a comparison of the expenditure between 1804 and the present time; that the political charges on the civil list amounted last year to 365,000*l.* and upwards, out of an expenditure of 1,306,022*l.*; and that the deficiency in the civil list department was 203,200*l.* He concluded by moving that the papers be referred to a select committee.

Mr. Whitbread made a variety of observations on the state of the civil list. Parliament had not provided a permanent provision; but the framers of the first act certainly meant that an excess of even 10,000*l.* should be made known, whereas now the excess was to 12 times that amount: it was 122,000*l.* over and above the 124,000*l.* incurred from 1804 to 1811. The right honourable gentleman made it 203,200*l.*; but the undertaking must be considered along with the figures. It was undertaken that the Regent's civil list expense should be less by 40,600*l.* than his royal father's; so that proposed diminution was to be taken into the account. Though it was said, that at the outset of the regency, it was not possible to calculate with precision, yet nice calculations were attempted when the matter was proposed, and particular items stated. As to expense of outfit in furniture, &c. was there not a short act by which the Regent received 100,000*l.*? Did the right honourable gentleman forget that, and the Prince Regent's controul over a sum larger by far than ever was possessed by any of our sovereigns? The sum of 100,000*l.* was voted, upon the statement of Mr. Adam of its necessity, for the providing a fund to discharge obligations which it was for the honour of the Prince to discharge: some of it was, therefore, to be put in trust, of which he had not heard any thing. The House, however, ought to be informed of it. The civil list had been frequently embarrassed ever since the King's accession. Application was made to Parliament in the war in 1778. In 1782, it was thought a final arrangement might be made by providing necessary checks and regulations. Again application was made in 1804, at a time of great financial distress; but Parliament always showed a disposition to provide effectually for the splendour of the throne, and the civil interests of the state. Last year more than twice the amount than ever was given to a Sovereign was given to the Regent, without any account of the matter, to which he

(Mr. W.) could find access. With respect to the situation of the Prince Regent, it must be recollected that the embarrassments of the Prince of Wales came before Parliament in 1787 and in 1795. Commissioners on the last occasion were appointed for the payment of the debts, and allowing 60,000*l.* a year for that purpose, they were to be extinguished in 12 years. In 1804, the minister proposed a grant of 60,000*l.* a year for three years, stating again that then the Prince's debts would be all discharged; and that there would be no further reason for the annuity. It was stated for the Prince, that even then he could not resume his splendour, and that in 1806, there would still remain obligations upon him which would render a liquidating fund necessary. Provision had been made in the act of 1795, for making communications respecting the progress of liquidation; but such communications were, after a time, discontinued, and no document was to be found upon this subject. Were those debts now discharged? In looking to former periods, it was material to recollect something about certain obligations understood to have been incurred with foreign powers, which, though they gave no legal right against the Prince of Wales, yet he deemed himself bound to make good. Before his royal highness became Prince Regent, it was not of so great importance to inquire into these circumstances; but now that he was invested with the sovereign power, it was fitting, as was mentioned last year, that the public should know, if such were the case, that he was under no obligations of that nature to such persons. With a strange complication of figures, the plan proposed at the outset of the unlimited regency, 60,000*l.* a year were provided for the Prince's privy purse; 125,000*l.* a year he received as Prince of Wales, of which 5000*l.* was understood to be for the Princess of Wales's privy purse; of the 120,000*l.* remaining, the Prince was to give 50,000*l.* to the civil list; thus leaving him, in fact, a privy purse of 130,000*l.* To this was to be added the Duchy of Cornwall, which was taken by the public in 1795, on an average value at 13,000*l.* a year. In 1804, the Duchy was entirely released; since then it had increased exceedingly by the falling in of leases and other contingencies. The management of the Duchy rents had, he was sure, been vigilant; no rights had been suffered to sleep. An excellent officer (Mr. Tucker, formerly at the admiralty) had been appointed for this purpose. He (Mr. W.) had been told that

the income had increased, on an average of years, to 30,000*l.*; but he would at present take it at 20,000*l.*: that would leave at the Prince Regent's disposal a privy purse of 150,000*l.* per annum, Mr. Adam had formerly stated that the Prince would set apart 53,000*l.* per annum for liquidation: what the amount of the debts was could not be learned, but it might be assumed, that if the existence of such debts had not been declared, the public would have been relieved from 53,000*l.* a year. It could not be deemed unreasonable now, to expect some sort of gross account of the amount of these debts; or that some authorised person would state at what time they would be extinguished. The House had never made such allowances to the King, though every body thought he ought to have all proper splendour, and though no Sovereign had been more beloved. The privy purse, at his Majesty's accession, was raised from 36,000*l.* to 48,000*l.* In 1778, when 100,000*l.* were granted to make good arrears, it was raised to 60,000*l.* and so it had remained. Even in the arrangement concerning the regency, the privy purse had never been stated higher: though there was since the sum of 100,000*l.* appeared to be advanced to Colonel M'Mahon on account of the privy purse; that, possibly, was added to the 43,000*l.* in order to make up the fund for the extinction of the honourable engagements. The intricacy of the figures in all this business was such, that it seemed done for some express purpose. If the House retained any of its old constitutional jealousies, let it reflect upon the influence in which so vast a privy purse might be employed; let it think of the possibility of a Sovereign having some interests separate from those of Parliament and the public; let it recollect what was said of that which he (Mr. W.) thought ought not to be, that boroughs were bought and sold! It was frightful to leave this fund, without asking at what period the 53,000*l.* would be released, which were to be employed as Mr. Adam had stated. If such a sum were applied to influence majorities in Parliament, and purchase seats there, it would be too powerful for the independent elected representation of the people, and might, under skilful management, subvert the public liberties. Without tracing further this picture, which was no phantom, he must desire to know, when the 53,000*l.* would be released, in order that it might be fairly applied to the general purposes of the civil list? Instead, therefore, of agreeing to a select committee in the first in-

stance, he should propose a committee of the whole House, in order to move an instruction to the select committee to bring all necessary information before them; and that with that view, persons should be examined by the latter committee. The committee last year was nugatory: from the want of examining witnesses, it did nothing but make comparative estimates of expenditure. The language of the most eminent and illustrious men in that House was very different from what he now heard. Mr. Burke, Mr. Pitt, and Mr. Fox, always agreed and maintained, that the civil list should be made to fit its revenue; not that the revenue was to be made to fit the civil list. It seemed, therefore, that there should be some diminution in those articles which were most expensive. As for the Prince's first expenditure on assuming the regency, there had been the 100,000*l.* specifically voted for it; but he thought, of the expenditure of that sum a specific statement ought to be laid on the table. Great additional sums had been voted last year for the rest of the royal family. The expense altogether of the royal family amounted to 334,000*l.* He did not wish to diminish their allowances; but he did wish to see justice, and an equitable distribution. There were also large sums charged on the consolidated fund for the Queen and Princesses, and for the royal Dukes. The whole, he believed, was more than half a million. Looking over the list, it would be seen how little, comparatively, was given to the Princess Charlotte of Wales: she had only 6000*l.* a year from the civil list; but she had 7000*l.* a year from the consolidated fund. He wanted to know, whether that was the whole of her establishment? If not, this money came from other sources: but there must soon be an increase of her royal highness's establishment. In the lord steward's department, he was glad to find a considerable diminution. In that of the lord chamberlain, there was a very great excess, which was not accounted for: it was 48,000*l.* more than in 1811, and on average of three years, it was an excess of 26,000*l.* Up to the present time, this department had been managed economically, and was even held out as a pattern to others. So it had been always said of the department of the master of the horse: but here, too, there was now an excess, arising, it was said, from the purchase of a number of new horses. What number had been bought? Were the stables of the King and the Prince of Wales capable of containing many more horses

than they had held? As to the expense in the lord chamberlain's branch, for purchasing plate, was there not all the crown plate, as well as all the plate of Carlton House? Was it not sufficient for the splendour of the crown, when the crown's and the Prince of Wales's plate were united? Was any great quantity of plate wanted? The fitting up of the council-chamber was mentioned; but what great sum could that amount to? None of these expenses came out of the 100,000*l.* for they were all charged now under their respective departments. The outfit was given, without any account whatever. There was an item of 7550*l.* for snuff-boxes. He hoped they were all fairly delivered; but he remembered an account before Parliament, in which 745*l.* was charged for the King's picture given to General Paoli; but the general declared afterwards, that he never got any such picture. (*a laugh.*) The provisions for our foreign ministers were under the controul of an act. Diplomatic men were entitled certainly to reward, after employing their time and talents in the public service. According to their condition in life, they were justified in taking or declining the remuneration: but that they did not always take it he knew, because he was acquainted with one case to the contrary. This was a melancholy subject: for, although the right honourable gentleman seemed to rejoice in the increase of our diplomatic relations, it was to be feared that they had been so managed in the north, that it would be impossible to make two of the powers who were necessary to the public cause of Europe of any use towards that great object. (*hear!*) The excess in this branch appeared enormous. The head of treasury incidents was one in which expense, by remunerating the clerks, might be very proper; but he observed an increase of 5000*l.* for messengers' fees. He thought it material for the House to consider all these things in a committee, as in 1782: but his great jealousy was concerning that great fund (of which they could obtain no account as to its disposition) which was a privy purse to the Prince Regent. He must repeat, there was first 60,000*l.*; then there would be 70,000*l.*; then, by relief from the income tax, 12,000*l.*; and lastly, by the Duchy of Cornwall, 20,000*l.*; making 162,000*l.* per annum, independent of contingencies of droits and 4½ per cents. and the hereditary revenue of Scotland. As Mr. Adam said, 53,000*l.* were to be under trust for a time, and 17,000*l.* a year given to the Princess of Wales. Considering the large

allowances to the royal family, he did not perceive equal justice to all, and thought that a larger allowance ought to be granted to the Princess of Wales, for the very reasons on which excess was justified; namely, the great augmentation in the cost of articles required in various departments. If that statement were true, surely it could not be quite right that her royal highness should be kept upon her present moderate, limited, restrained, and improperly low allowance of 17,000*l.* a year! (*hear!*) The Queen, for maintaining her separate state, even while the King was in health, had first 50,000*l.* a year; to which 8000*l.* were added, and recently 10,000*l.*; thus making 68,000*l.* The Princesses had 13,000*l.* a year each. Parliament had a view, in the settlement on the Princess of Wales, of what, under circumstances, ought to be her allowance. The Queen's jointure was 100,000*l.* a year, with the palace of Somerset House, afterwards exchanged for Buckingham, now the Queen's House, and a house at Richmond, and apartments at Kew or Windsor. The Princess of Wales, in the event of the Prince Regent's death, which God avert! was entitled to 50,000*l.* a year, by the direction of Parliament, which had enabled his Majesty to make that settlement, in such event, on her royal highness. How different was her present state, even in these dear times, when people calculated the expenses of the Prince Regent's establishment minutely, from plate and wine, down to eggs. (*a laugh.*) Was it meet and fitting that the Princess should continue as she is? Would ministers do their duty, if they did not advise their royal master to make some addition to her scanty provision; for such it really was when compared with others, and when her rank and station in life were considered justly? He felt that it was difficult to bring the question forward in a precise way. The member for Liverpool (Mr. Canning) thought, last year, that there was an omission in not providing something on this subject. He hoped justice would be done to her, and to the feelings of the country.—He could not vote for the motion satisfactorily till information was granted. He found an account recently, up to the 5th of April, which stated, that 263,000*l.* had been taken from the droits to the use of the civil list. He could not avoid noticing, that in the year 1811, such restraints had been put upon the Prince Regent, in the exercise of the royal authority, as had appeared to him to be improper, and such as every member of the royal family also considered improper.

It appeared, however, that from the time the restrictions had expired, there had been a laxity, at least equal to the rigour which had been displayed at that time. He concluded by moving, as an amendment, "that the several accounts of the civil list should be referred to a committee of the whole House."

Lord Yarmouth said, that some questions had been asked by the honourable gentleman, which, if not answered, might be construed unfavourably. As to the appropriation of those sums included in what was generally called Mr. Adam's trust-fund, he could assure the honourable gentleman, that it could be most satisfactorily accounted for. He had not the account now in his pocket; but if the honourable gentleman had asked him yesterday about it, he should now have been prepared to produce the account. He could, however, assure the honourable gentleman, that the appropriation of this fund could be most satisfactorily accounted for.

Mr. Whitbread, in explanation, said that he really was not aware that there had been any necessity for him to make any previous statement to the noble Lord upon the subject. Before the Prince of Wales was Regent, the House was content to receive information from those persons who were in his employment and confidence; but now that he is Prince Regent, and has ministers in the House, it was to those ministers that it should apply for necessary information, and not to any individual member of the House. He was not aware of any public situation which the noble Lord held, that would make it competent for him to give information to the House. He did not know that the noble Lord was a trustee of that fund which he said had been alluded to. He had accidentally met Mr. Adam this day, and had stated to him the questions that he intended to ask. He must, however, state that he had not the least doubt of the fair application of those funds to the purposes to which the Prince Regent chose to direct them. His object had been to obtain information in a regular constitutional way, and not through any indirect channel. If he thought that information ought to be laid before the House of Commons, he would move for that information by an address to the Prince Regent, and not by asking questions of any individual member.

Lord Yarmouth, in explanation, said, that as to the fund alluded to, it had been voted by the House, in con-

fidence, to be applied to particular purposes, which were well understood. It was a private trust, and he thought it necessary to make the observations that he had done, for fear improper impressions might have gone abroad respecting it.

Mr. Whitbread repeated, that any question he had to put upon the subject, he wished to propose in a regular constitutional way: he should wish that the right honourable gentleman would state when this annual sum of 53,000*l.* was likely to discharge those debts which it was voted for the purpose of discharging?

Lord Castlereagh said, that he was not at all surprised at the anxiety of his noble friend (Lord Yarmouth) to offer some explanation about the application of that sum, with the management of which he was connected. It was not to be expected of the servants of the crown, that they should know any thing of that particular branch of the Prince's revenue. It was known, generally, at the time the Prince consented to take upon himself the weight of the royal authority, that although he had given up 50,000*l.* a year of his revenue as Prince of Wales, 53,000*l.* annually had been withheld to defray encumbrances which he conceived binding on his personal honour to discharge. As a part of this was the revenues of the Duchy of Cornwall, (which were peculiarly in the charge of his noble friend), an injurious impression might have been made upon the public if his noble friend had remained silent upon the statement. As to the motion of the honourable gentleman, he considered it extraordinary that he should wish to have a committee of the whole House upon the details of these accounts. It would be time for the House to consider the question, when the detailed information was laid before them in a satisfactory and intelligible manner, as he was convinced it would be after the accounts had been laid before a select committee. It would be a great waste of time for the House to go into an examination of those details, which could be better examined by a select committee. The honourable gentleman seemed to consider the reports usually given of the state of the civil list as unsatisfactory. It appeared to him, however, that they ought to be satisfactory, as all the accounts were arranged under precise heads, upon which ministers were always ready to give explanations. The honourable gentleman also wished to give this committee the usual powers of sending for persons, papers, and records,

Now it appeared to him, that such a power would lead to an investigation as could not in delicacy be admitted on the private affairs of the meanest individual. But were members of that House so intimately acquainted with the details of the offices of lord chamberlain or lord steward, as to be the proper judges, whether any greater savings might not be made in those departments? An investigation of this nature could not properly be made of the private expenses of any gentleman in this country; and he did not think that the House would sanction it with respect to the Prince Regent. The honourable gentleman had truly stated, that the House made a liberal provision in the last year for the Prince Regent, on assuming the royal authority without restrictions; and in particular, they had voted a sum of 100,000*l.* which the honourable gentleman called a vote for his outfit, and for which he demanded an account. He could, however, see no reason for a detailed account of the expenditure of this sum; but he should state generally, that his royal highness had filled the regency for nearly a year before any such provision had been made. During that year it was natural to suppose that there must have been a considerable increase in his expenses. He thought that it was rather a matter of astonishment, that the whole increase in the three great departments of the household (the lord steward's, the lord chamberlain's, and the master of the horse) should not have exceeded 17,000*l.* in the present year. In the department of the lord steward, which appeared more particularly to be connected with the personal expenditure of the Prince, there had been a considerable saving. In the department of the master of the horse, besides the additional horses that were purchased, every gentleman must know that the price of keeping horses had greatly increased during the last year. The price of oats had more than doubled; it had nearly trebled. He thought that the first impression on the face of those accounts should rather be surprise at so small an increase, than suspicion or disapprobation. He thought that there was nothing on the face of those accounts from which they could anticipate any mismanagement. As to what related to his department, he was perfectly ready to give the most satisfactory explanations to the committee; but he thought it would be much better that extraordinary expenses of so fluctuating a nature should be laid before Parliament, by estimate and account, than that they should be added to the civil list. In 1804, the committee had

estimated the extraordinary expenses respecting foreign missions at 10,000*l*. This sum was however less than the extraordinary expenses of Lord Whitworth's embassy at Paris in 1801. In 1804, when the estimate was made, there were not many foreign embassies, and the particular cause of the increase was from the two embassies to Spain and Portugal. In fact, there was no branch of public service so inadequately paid as foreign embassies. There was only the same salary which had been fixed many years ago, which was diminished from 20 to 30 per cent. on account of the rate of exchange. As to the snuff-boxes, it was an old established custom, whenever a treaty was signed, that snuff-boxes, of a certain value, should be sent to the minister who signed it, and the secretary of state. This had been an established custom before he came into office. There was one subject, however, upon which he was sorry that the honourable gentleman had made any observations. As to the situation of the Princess of Wales, he did not doubt but that the hon. gentleman might have received his information from some of the royal family; but still he would say, that he thought it would be much better to have avoided an inquiry into the situation of a family where it was supposed that there was not the harmony which might be wished. He had lamented the discussions which had taken place in an early period of the session, and those which had taken place out of doors: he particularly lamented that this subject was now brought forward, as he was convinced that if an attack was to be made upon his royal highness on this point, it would entirely defeat the objects of those who made it, and their wishes to serve her royal highness. He never could admit that she possessed any public character at all to be compared with that of the Queen, or that she derived any public character from the situation which was cast upon his royal highness. Whatever information the right honourable gentleman might have received, it was not a fair statement to say that the Princess had but 17,000*l*. per annum; as, in addition to that, she had 5000*l*. annually from the civil list. It must also be recollected, that the Prince had paid no less than 50,000*l*. for debts which her royal highness had incurred. He was completely satisfied that those discussions which had taken place out of doors, more than those which had taken place in that House, had tended to defeat every object that was in view. As for a committee of the whole House, he thought it quite inapplicable

to the examination of the details of those accounts. He assured the House, that if a select committee was appointed, there would be every disposition to give the fullest satisfaction upon the whole of those accounts. He thought, however, that upon the face of the accounts, there was no reason for blame or suspicion, but rather ground of approbation.

Mr. Whitbread, in explanation, said that the information which he had received of the income of the Princess was not derived from any private channel, but from the statement of Mr. Perceval in that House. The House, being apprised of her income, could judge whether or not it was sufficient for her situation.

Sir C. Burrell made some observations on the state of the menial domestics of the Prince. He thought it quite disgraceful, that when any one called upon the Prince Regent on public business, a book should be immediately put into his hands by the servants to subscribe for those who were not sufficiently provided for. The marshalmen, he understood, had but a salary of 20*l.* a year, and gave 800*l.* for their places. Their incomes were, in a great measure, obtained by begging about from door to door, in a manner that made it doubtful whether they were not liable to be committed on the vagrant act. He thought that proper salaries should be given them, and that it was quite disgraceful that the servants of the crown should be obliged to resort to such means to obtain a livelihood.

Mr. Whitbread's amendment was then put, and negatived without a division.

Mr. Tierney opposed the going into a committee which had not the power to call for persons, papers, or records; without which authority it would not be in the power of the committee to make any satisfactory inquiry.

Mr. Long contended that it was not usual, on such occasions, to give a power to the committee to call for persons, papers, and records; but that if the committee considered such papers requisite, it was usual for the chairman to move for them in the House.

Mr. Tierney, in explanation, stated that there appeared to be something in the circumstances of the case very suspicious, from the unwillingness to give the committee the necessary powers.

Mr. Hurst thought it was unfair to the royal family to refuse the necessary powers to the committee.

Mr. Bathurst thought it would not be respectful to the

throne to grant powers which had never been granted; that the object of gentlemen was not to inquire into that part of the expenditure which concerned foreign legations, for he did not suppose any gentleman would call for Sir J. Stuart or Mr. H. Wellesley; but their object was to inquire into the private expenditure; and it was difficult to say for whom gentlemen in the committee might call—perhaps, for the clerk of the kitchen—as no person could dispute their right so to do. The additional expences of keeping horses accounted in some degree for the additional sum charged in the civil list.

Mr. Bankes stated, that he thought it would be much better to vote the money without appointing any committee, than to appoint a committee without giving them the requisite powers.

Mr. Courtenay objected to granting unusual powers to the committee, which he conceived would be an insult to the Regent, and contrary to the principles of the constitution.

Mr. Barham thought, that with the greatest respect to the crown, the committee ought to have the necessary powers to inquire into the expenditure of the civil list.

Mr. Ponsonby thought, that, without the powers demanded, the committee would be useless; and he begged leave to tell the honourable member, that it was the duty of that House to inquire into the expenditure of the civil list.

Mr. Moore objected to the appointment of the committee without the requisite powers.

Mr. Vansittart supported the original proposition.

Mr. Whitbread declined being a member of the committee.

Mr. Ponsonby also declined.

Mr. Bankes also declined, as his name was not on the original list.

Mr. Mellish, Lord Desart, Mr. Rose, Mr. Bankes, Mr. Freemantle, Mr. Wharton, Mr. Long, Mr. Macdonald, and other gentlemen, were then named as members of the committee.

Lord Milton proposed that the committee should have the power of sending for persons, papers, and records.

The House then divided:

For Lord Milton's motion - -	27
Against it - - - - -	108
Majority - - - -	81

HOUSE OF LORDS.

FRIDAY, MAY 28.

The Irish malt duty bill, Irish loan bill, Irish bishops' lands bill, and Strand-bridge bill, were read a second time, and committed for Monday.

Mr. Lushington and others from the Commons brought up the Martinique sugar bill, the Irish horse duty bill, the Irish post roads bill, the hides duty bill, and several others. Read a first time.

Lords Bridport and Cassillis took the oaths and their seats.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 28.

FIRE-ARMS BILL.

On the order of the day being moved for the second reading of the fire-arms bill,

Sir J. Shaw said, he hoped a clause would be introduced into the bill, to prevent manufacturers of fire-arms, in Birmingham, from putting any other names than their own, on arms manufactured there. It was a downright forgery, and ought not to be allowed. He wished also, that the manufacturers of Birmingham should be restrained from putting 'London' on their arms, unless such arms were sent to London and proved there, and received the London stamp. If the honourable gentleman who brought in the bill would agree to these additions to the bill, in whatever stage it might be proper to introduce them, he should give it no further opposition.

Mr. Benson said, the proposition made by the honourable baronet had been before rejected by the House; and it was absurd that guns, already proved in Birmingham, should be sent to London to be proved again.

Sir C. Mordaunt said a few words in favour of the bill, after which it was read a second time, and ordered to be committed on Monday.

DISTRESS FOR RENT.

Sir J. Newport obtained leave to bring in a bill to amend

and incorporate the laws relative to rents in Ireland, and to secure tenants from the abuses at present prevailing on that head. The honourable baronet stated, that the laws relative to distresses for rent in Ireland were so widely scattered over the statute-book, that in framing the above bill he had been obliged to wade through nearly 40 statutes. He wished, therefore, to simplify the system, and to do away several abuses which bore extremely hard on the lower orders of tenantry. His intention was, if he obtained leave to bring in the bill, that it should go to a committee, be printed, and lie over to the next session. Leave was granted.

Adjourned.

HOUSE OF LORDS.

MONDAY, MAY 31.

The Duke of Norfolk brought up a bill to protect persons of the Roman catholic persuasion, holding offices in the kingdom of Great Britain, or in the Islands of Guernsey and Jersey, against the penalties of the act of 21st Charles II. commonly called the test act. His grace said he should only move at present that the bill be read a first time and printed. Ordered.

SMITHFIELD MARKET BILL.

The Duke of Bedford moved the second reading of the Smithfield market bill. His grace observed that the increase at present amounted to 30,000 head of cattle and 200,000 sheep, which, by the addition of the quantity of ground to be made to the present market by the provisions of the bill, would remove all the inconvenience of the present market.

Lord Ellenborough said, he could not give his assent to the bill. He allowed the market had been of long standing —he believed as far back as the reign of Edward III. still the nuisance of it to all the adjacent property demanded that it should be removed. He mentioned the particular inconveniency, and even risks, which he himself, as well as other noble Lords, had experienced in proceeding to their duty at the Old Bailey on a market-day: he had often expected the pannels of his carriage to be staved in by the horns of the droves of oxen which continually on those

market-days blocked up the avenues to the city. If the extension of the market were allowed to take place, the nuisance to the public would be increased. It was entirely in the power of the persons governing the market to fill it up as they pleased; and there was no remedy but a removal of the market to some place more distant from the ingress to the city. He adverted particularly to the inconveniencies experienced by the Charter-house, where there were 80 old men, 40 on the foundation, and 200 scholars, peculiarly annoyed by it, who appealed to the justice of that House for redress. On these grounds, he moved that the bill be read a second time this day three months.

The Earl of Lauderdale and the Marquis of Lansdowne spoke in favour of the bill; and the Lord Chancellor and Earl of Liverpool against it.

The Duke of Bedford said a few words in reply, when a division took place:

For the amendment - - -	25
Against it - - - - -	16
The bill was lost by a majority of	9

Adjourned.

END OF VOL. II.

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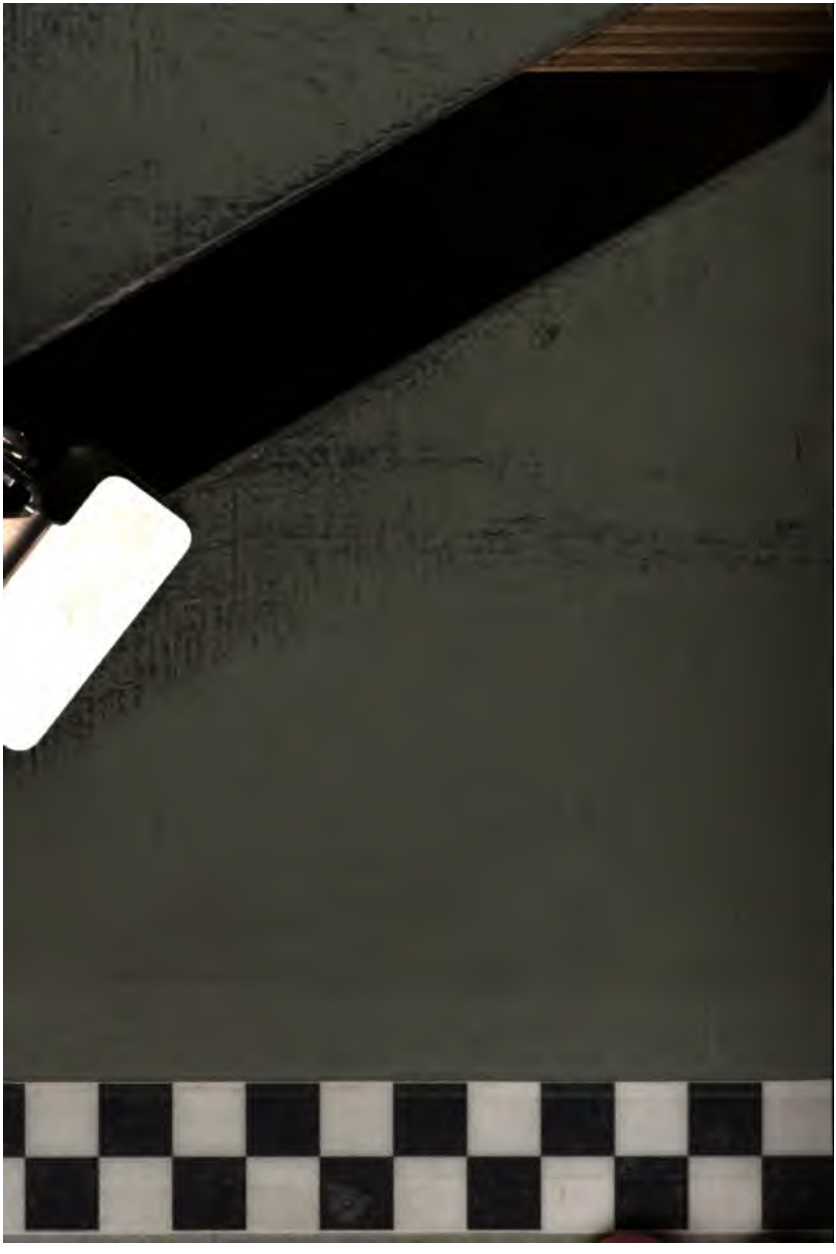
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